H9568

CONGRESSIONAL RECORD—HOUSE
November 3, 2005

The result of the vote was recorded as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the vote on adoption of House Resolution 527 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 30-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 563] YEAS—401

Amercido
Ackerman
Aderholt
Akin
Alexander
Allen
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bedar
Berkley
Berman
Berry
Biggert
Bilirakis
Blackburn
Blumenauer
Bunning
Buent
Boucher
Boehner
Bono
Bosman
Boren
Booher
Boucher
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Burges
Burton (IN)
Butler
Colbert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardano
Carmichael
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Clearwater
Clyburn
Coble

Kolle
Kochick
Kuhl (NV)
LaHood
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lindsey
Lipski
Ledbetter
Leigh
Lewis
Lunger, Danie
 Lynch
Lynch
Maloney
Mannino
Marchant
Markey
Marshall
Matsui
McCollum (MN)
McCotter
McCreary
McGovern
McHenry
McHugh
Mclntyre
McKinnon
McNulty
Meehan
Meeks (FL)
Meeks (NY)
Melson
Menendez
Mica
Michaud
Millender-
Mcdonald
Miller (FL)
Miller (GA)
Miller, NC
Miller, Gary
Miller, George
Millman
Mills
Moran (NY)
Moran (VA)
Morse
Moran
Morrisey
Moss
Moulton
Mraz
Murphy
Murtha
Murray
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Osborne
Oter
Owens
Ose
Pallone
Paree
Pease
Pence
Peterson (MN)
Peterson (PA)
Pewt
Pickering
Pitts
Platts
Poe
Pomroy
Porter
Price (GA)
Price (NC)
Price (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reed
Reichert
Reinetti
Reigert
Reid
Reid
Rogers (AL)
Rogers (NY)
Rogers (MI)
Rohrabacher
Ross
Ruppersberger
Ryun
Ryan (OH)
Ryan (WI)
Ryan (Ks)
Salaar
Sanchez, Linda
Sanchez, Loretta
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwartz (MD)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
NAYS—11

Nadler
Glover
Poe
Rothman

NOT VOTING—21

Bishop (UT)
Boozman
Boyd
Brady (PA)
Brown-Waite, Ginny
Butlerfield

Morriss

Chabot

McMorris

Shadegg
Shaw
Shays
Sherman
Sherrwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WV)
Snyder
Sordel
Soudre
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tibbs
Tien
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velasquez
Visciaccia
Walden (OH)
Wald
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weinberg
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitefield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

PERSONAL EXPLANATION

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 562, had I been present I would have voted ‘‘aye.’’ On rollcall No. 563, had I been present I would have voted ‘‘nay.’’

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference report with amendments.

The Chair read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees. The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 12 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take any where near the time allotted. I will take a few moments to explain the motion which the gentleman from Alaska, the chairman of our committee, and I have discussed previously.

The subject of this motion is summoned upon by a committee hearing held earlier this year on the tragedy which occurred November 26, 2004. The Athos, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just...
south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Sub-committee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The gentleman from Pennsylvania (Mr. SENSENBRENNER), raised the concern that the limits of the vessel owner’s liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chair and I both remember, when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentleman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 directs the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect inflation.

This legislation was developed through the regular committee process on a completely bipartisan basis.

Further, this bill is supported by the oil and shipping industries as a common sense measure that both increases the industries’ responsibilities and maintains the protections of the Oil Spill Liability Trust Fund to deal with any other major oil spills in the future.

Mr. Speaker, this motion to instruct is one I agree with and, therefore, I urge that we accept it.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota’s motion to instruct.

As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision:

Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS, and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o’clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) “An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.”

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their rights to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule XVIII, the Chair designated the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4128.

1402

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4128) to protect private property rights, with Mr. KLINE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman...