

The President's aviation user fee proposal is highly unfair to aviation users, and it should be rejected.

COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE  
(SEC. 821)

The President's proposal to charge "user fees" to vessel operators for navigational assistance is simply another "revenue raiser", or tax, and not a true user fee.

Furthermore, section 207 of the Coast Guard Authorization Act of 1998, signed into law by the President last November, prohibits any new maritime user fee through September 30, 2001.

Despite the statutory prohibition against his proposal, the President assumed collection of \$41 million in fiscal year 2000 from maritime user fees.

RAIL SAFETY INSPECTION USER FEES (SEC. 861)

Administration proposal for full offset of Federal Railroad Administration costs (\$87 million in FY 2000) is a rewarmed version of a law Congress specifically refused to extend in 1995 because of its unfairness and serious economic damage to smaller railroads.

Extensive hearing record before the Transportation and Infrastructure Committee showed that some small railroads were paying up to 17 percent of net income in user fees to support the Federal Railroad Administration; the administration's proposal to reinstate and expand these fees in very unfriendly to small business.

Other forms of transport do not pay the full cost of safety enforcement activities through user fees; these fees would not cover just enforcement, but even activities such as R&D.

SURFACE TRANSPORTATION BOARD USER FEES (SEC. 851)

This proposal would require full offset of STB's \$17 million budget through "user fees." But who are the "users"? The administration proposal does not even attempt to identify who would pay the fees: the railroads, the truckers, any shipper who does file a complaint, any shipper who might file a complaint? there is also no standard for setting the fees, other than being "fair and equitable." In all probability, this proposal would be found unconstitutional for excessive delegation and/or vagueness.

STB already offsets several million dollars of its costs through existing title 31 fees, such as for filing proceedings at the Agency. These have been increased substantially in recent years, resulting in numerous complaints from shippers about the excessive costs and deterrent effect on utilizing remedies at the STB. The administration proposal would necessarily increase the overall fee burden to over 5 times its present level.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

Mr. TERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 0, nays 419, answered "present" 5, not voting 9, as follows:

[Roll No. 511]

NAYS—419

Abercrombie	Dicks	Kanjorski	Paul	Saxton	Thomas
Ackerman	Dingell	Kaptur	Payne	Schaffer	Thompson (CA)
Aderholt	Dixon	Kasich	Pease	Schakowsky	Thompson (MS)
Allen	Doggett	Kelly	Pelosi	Scott	Thornberry
Andrews	Doolittle	Kennedy	Peterson (MN)	Sensenbrenner	Thune
Archer	Doolittle	Kildee	Peterson (PA)	Serrano	Thurman
Armey	Doyle	Kilpatrick	Phelps	Sessions	Tiahrt
Bachus	Dreier	Kind (WI)	Pickering	Shadegg	Tierney
Baird	Duncan	King (NY)	Pickett	Shaw	Toomey
Baker	Dunn	Kingston	Pitts	Shays	Towns
Baldacci	Edwards	Kleczka	Pombo	Sherman	Traficant
Baldwin	Ehlers	Klink	Pomeroy	Sherwood	Turner
Ballenger	Ehrlich	Knollenberg	Porter	Shimkus	Udall (CO)
Barcia	Emerson	Colbe	Rahall	Shows	Udall (NM)
Barr	Engel	Kucinich	Portman	Shuster	Upton
Barrett (NE)	English	Kuykendall	Price (NC)	Simpson	Velazquez
Barrett (WI)	Eshoo	LaFalce	Pryce (OH)	Sisisky	Vento
Bartlett	Etheridge	LaHood	Radanovich	Skeen	Visclosky
Barton	Evans	Lampson	Rahall	Skelton	Vitter
Bass	Everett	Lantos	Rangel	Slaughter	Walden
Bateman	Ewing	Largent	Regula	Smith (MI)	Walsh
Becerra	Farr	Larson	Reyes	Smith (NJ)	Wamp
Bentsen	Fattah	Latham	Reynolds	Smith (TX)	Waters
Bereuter	Filner	LaTourette	Riley	Smith (WA)	Watkins
Berkley	Fletcher	Lazio	Rohrabacher	Souder	Watt (NC)
Berry	Foley	Leach	Rothman	Spence	Waxman
Biggert	Forbes	Lee	Rodriguez	Spratt	Weiner
Bilbray	Ford	Levin	Roemer	Stabenow	Weldon (FL)
Bilirakis	Fossella	Lewis (CA)	Rogan	Stark	Weldon (PA)
Bishop	Fowler	Lewis (KY)	Rogers	Stearns	Weller
Blagojevich	Franks (NJ)	Linder	Rohrabacher	Stenholm	Wexler
Biley	Frelinghuysen	Lipinski	Rothman	Strickland	Weygand
Blunt	Frost	LoBiondo	Roukema	Stump	Whitfield
Boehlert	Gallegly	Lofgren	Roybal-Allard	Stupak	Wicker
Boehner	Ganske	Lowey	Royce	Sununu	Wilson
Bonilla	Gejdenson	Lucas (KY)	Ryan (WI)	Sweeney	Wise
Bonior	Gekas	Lucas (OK)	Ryun (KS)	Talent	Wolf
Bono	Gephardt	Luther	Sabo	Tancredo	Woolsey
Borski	Gibbons	Maloney (CT)	Salmon	Tanner	Wu
Boswell	Gilchrest	Maloney (NY)	Sanchez	Tauscher	Wynn
Boucher	Gillmor	Manzullo	Sanders	Tauzin	Young (AK)
Boyd	Gilman	Markey	Sandlin	Taylor (MS)	Young (FL)
Brady (PA)	Gonzalez	Mascara	Sanford	Taylor (NC)	Terry
Brady (TX)	Goode	Matsui	Sawyer		
Brown (FL)	Goodlatte	McCarthy (MO)			
Brown (OH)	Goodling	McCarthy (NY)			
Bryant	Gordon	McCollum			
Burr	Goss	McCrary			
Burton	Graham	McDermott			
Callahan	Granger	McGovern			
Calvert	Green (TX)	McHugh			
Campbell	Green (WI)	McInnis			
Canady	Greenwood	McIntosh			
Cannon	Gutierrez	McIntyre			
Capps	Gutknecht	McKeon			
Cardin	Hall (OH)	McKinney			
Carson	Hall (TX)	McNulty			
Castle	Hansen	Meek (FL)			
Chabot	Hastings (FL)	Meeks (NY)			
Chambliss	Hastings (WA)	Menendez			
Chenoweth-Hage	Hayes	Metcalf			
Clay	Hayworth	Mica			
Clayton	Heffley	Millender-McDonald			
Clement	Herger	Miller (FL)			
Clyburn	Hill (IN)	Miller, Gary			
Coble	Hill (MT)	Miller, George			
Coburn	Hilleary	Hilliard			
Collins	Hinchey	Hinckley			
Combest	Hinojosa	Horn			
Condit	Hobson	Hostettler			
Conyers	Hoeffel	Houghton			
Cook	Hoekstra	Napolitano			
Cooksey	Holden	Neal			
Costello	Holt	Nethercutt			
Cox	Hooley	Ney			
Coyne	Horn	Northup			
Cramer	Hutchinson	Hyde			
Crane	Inslee	Hulshof			
Crowley	Isakson	Hunter			
Cubin	Isackson	Istook			
Cummings	Jackson (IL)	Jackson (TX)			
Cunningham	Jackson-Lee	Jenkins			
Danner	Jackson (TX)	John			
Davis (FL)	Jackson-Lee	Johnston, E. B.			
Davis (IL)	Jackson-Lee	Johnson, Sam			
Davis (VA)	Jackson-Lee	Jones (NC)			
Deal	Jackson-Lee	Jones (OH)			
DeFazio	Jackson-Lee	Jones (OH)			
DeGette	Jackson-Lee	Jones (OH)			
Delahunt	Jackson-Lee	Jones (OH)			
DeLauro	Jackson-Lee	Jones (OH)			
DeLay	Jackson-Lee	Jones (OH)			
DeMint	Jackson-Lee	Jones (OH)			
Deutsch	Jackson-Lee	Jones (OH)			
Diaz-Balart	Jackson-Lee	Jones (OH)			
Dickey	Jackson-Lee	Jones (OH)			

ANSWERED "PRESENT"—5

Berman	Capuano	Meehan
Blumenauer	Frank (MA)	

NOT VOTING—9

Buyer	Johnson (CT)	Ros-Lehtinen
Camp	Lewis (GA)	Rush
Jefferson	Martinez	Scarborough

□ 1442

Mrs. CHENOWETH-HAGE, and Messrs. DICKEY, HOBSON, SMITH of Michigan, BRYANT, SHERMAN, WATKINS, SPENCE, OLVER, DOGGETT, GILMAN, CONYERS, KNOLLENBERG and MEEKS of New York changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

FINANCIAL FREEDOM ACT OF 1999

Mr. CARDIN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. CARDIN moves to discharge the Committee on Ways and Means from further consideration of H.R. 2488, the Taxpayer Refund and Relief Act of 1999.

The SPEAKER pro tempore. The motion is privileged for consideration at this time.

□ 1445

MOTION TO TABLE OFFERED BY MR. TERRY

Mr. TERRY. Mr. Speaker, I offer a motion to lay on the table this motion to discharge.

