

The result of the vote was announced 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 5-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

Abercrombie	Cole (OK)	Gibbons	Knollenberg	Neugebauer	Shadegg
Ackerman	Conaway	Gilchrest	Kolbe	Ney	Shaw
Aderholt	Conyers	Gillmor	Kucinich	Northup	Shays
Akin	Cooper	Gingrey	Kuhl (NY)	Nunes	Sherman
Alexander	Costa	Gohmert	LaHood	Nussle	Sherwood
Allen	Costello	Gonzalez	Langevin	Oberstar	Shimkus
Andrews	Cramer	Goode	Lantos	Obey	Shuster
Baca	Crenshaw	Goodlatte	Larsen (WA)	Ortiz	Simmons
Bachus	Crowley	Gordon	Larson (CT)	Osborne	Simpson
Baird	Cubin	Granger	Latham	Otter	Skelton
Baker	Cuellar	Graves	LaTourette	Owens	Slaughter
Baldwin	Culberson	Green (WI)	Leach	Oxley	Smith (NJ)
Barrett (SC)	Cummings	Green, Al	Lee	Pallone	Smith (TX)
Barrow	Cunningham	Green, Gene	Levin	Pascarella	Smith (WA)
Bartlett (MD)	Davis (AL)	Gutierrez	Lewis (CA)	Paul	Snyder
Barton (TX)	Davis (CA)	Gutknecht	Lewis (GA)	Payne	Sodrel
Bass	Davis (IL)	Harman	Lewis (KY)	Pearce	Solis
Bean	Davis (KY)	Harris	Linder	Pelosi	Souder
Beauprez	Davis (TN)	Hart	Lipinski	Pence	Spratt
Becerra	Davis, Jo Ann	Hastings (WA)	LoBiondo	Peterson (MN)	Stark
Berkley	Davis, Tom	Hayes	Lofgren, Zoe	Peterson (PA)	Stearns
Berman	Deal (GA)	Hayworth	Lowey	Pickering	Strickland
Berry	Defazio	Hefley	Lungren, Daniel E.	Pitts	Stupak
Biggert	DeGette	Henselarling	Lynch	Platts	Sullivan
Bilirakis	Delahunt	Herger	Mack	Poe	Sweeney
Bishop (GA)	DeLauro	Herseth	Maloney	Pomeroy	Tancredo
Bishop (NY)	DeLay	Higgins	Manzullo	Porter	Tanner
Blackburn	Dent	Hinchey	Marchant	Price (GA)	Tauscher
Blumenauer	Diaz-Balart, L.	Hinjosa	Markey	Price (NC)	Taylor (NC)
Blunt	Diaz-Balart, M.	Hobson	Marshall	Pryce (OH)	Terry
Boehlert	Dicks	Hoekstra	Matheson	Putnam	Thomas
Boehner	Dingell	Holden	Matsui	Radanovich	Thompson (CA)
Bonilla	Doggett	Honda	McCotter	Rahall	Thompson (MS)
Bonner	Doolittle	Hooley	McCrary	Ramstad	Thornberry
Bono	Doyle	Hostettler	McGovern	Rangel	Tiberi
Boozman	Drake	Hoyer	McHenry	Regula	Tierney
Boren	Dreier	Hulshof	McHugh	Rehberg	Turner
Boucher	Duncan	Hunter	McIntyre	Reichert	Udall (CO)
Boustany	Edwards	Hyde	McKeon	Renzi	Udall (NM)
Bradley (NH)	Ehlers	Inglis (SC)	McKinney	Reyes	Upton
Brady (TX)	Emanuel	Insllee	McNulty	Rogers (AL)	Van Hollen
Brown (OH)	Emerson	Israel	Meehan	Rogers (KY)	Velázquez
Brown (SC)	Engel	Issa	Meek (FL)	Rogers (MI)	Visclosky
Brown, Corrine	English (PA)	Jackson (IL)	Meeks (NY)	Rohrabacher	Walden (OR)
Burgess	Eshoo	Jackson-Lee (TX)	Melancon	Ros-Lehtinen	Walsh
Burton (IN)	Etheridge	Jefferson	Menendez	Ross	Wamp
Buyer	Evans	Jenkins	Mica	Royce	Wasserman
Calvert	Everett	Jindal	Miller (NC)	Ruppertsberger	Schultz
Camp	Farr	Johnson (CT)	Miller, Gary	Rush	Waters
Cannon	Fattah	Johnson (IL)	Miller, George	Ryan (OH)	Watson
Cantor	Feeney	Johnson, E. B.	Mollohan	McDonald	Watt
Capito	Ferguson	Johnson, Sam	Moore (KS)	Miller (FL)	Waxman
Capps	Filner	Johnson, Sam	Moore (WI)	Miller (MI)	Weiner
Capuano	Fitzpatrick (PA)	Jones (NC)	Moran (KS)	Miller (NC)	Sánchez, Linda T.
Cardin	Flake	Kanjorski	Moran (VA)	Miller, Gary	Weldon (PA)
Cardoza	Foley	Kaptur	Moore (VA)	Sánchez, Loretta	Weller
Carnahan	Forbes	Keller	Murphy	Sanders	Westmoreland
Carson	Ford	Kelly	Moore (KS)	Saxton	Wexler
Carter	Fortenberry	Kennedy (MN)	Moore (WI)	Schakowsky	Whitfield
Case	Fossella	Kennedy (RI)	Noran	Schmidt	Wicker
Castle	Foxx	Kildee	Parry	Schwartz (PA)	Wilson (NM)
Chandler	Frank (MA)	Kilpatrick (MI)	Oliver	Schwartz (MI)	Wilson (SC)
Chocola	Franks (AZ)	King (IA)	Pastor	Scott (GA)	Wolf
Clay	Frelinghuysen	Kingston	Rothman	Scott (VA)	Woolsey
Cleaver	Gallegly	Kirk	Neal (MA)	Sensenbrenner	Wynn
Clyburn	Garrett (NJ)	Kline	Napolitano	Serrano	Young (AK)
Coble	Gerlach	Nease	Neal (MA)	Sessions	Young (FL)

NAYS—11

NOT VOTING—21

Bishop (UT)	Davis (FL)	Norwood
Boswell	Hall	Pombo
Boyd	Hastings (FL)	Royal-Allard
Brady (PA)	Istook	Schiff
Brown-Waite,	King (NY)	Tiahrt
Ginny	McCarthy	Towns
Butterfield	McCaull (TX)	
Chabot	McMorris	

□ 1207

Mr. JACKSON of Illinois changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the Chair appoints the following conferees: Mr. WALSH, Mr. ADERHOLT, Mrs. NORTHUP, Messrs. SIMPSON, CRENSHAW, YOUNG of Florida, KIRK, REHBERG, CARTER, LEWIS of California, EDWARDS, FARR, BOYD, BISHOP of Georgia, PRICE of North Carolina, CRAMER, and OBEY.

There was no objection.

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 asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

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 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take anywhere 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 summed up by a committee hearing held earlier this year on the tragedy that 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 Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The Coast Guard estimated that the costs of cleanup and natural resources damages resulting from the grounding of the *Athos I* could be in the range of \$200 million. Under current law, the owners of the vessel would be liable for costs of only up to \$45 million.

At that hearing, the Chairman, the gentleman from New Jersey (Mr. LoBIONDO), and our newly elected Member, the gentlewoman from Pennsylvania (Ms. SCHWARTZ), 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 Chairman 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 have not increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman 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 adjusts 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 changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has concurred, and we worked together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act of 2005. I think it is an important step forward for the environment, for the taxpayers, and for safety of the future.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct.

H.R. 889, which was passed unanimously by this House, includes a provision that would increase liability limits by approximately 50 percent for double-hull tank vessels and would, for the first time, establish higher liability limits for single-hull tank vessels.

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 commonsense 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.

□ 1400

AFTER RECESS

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

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed 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.

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 remarks and include extraneous material on H.R. 4128.

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 527 and rule XVIII, the Chair declares 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