

Our decision not to exercise our jurisdiction over this measure is not intended or designed to waive or limit our jurisdiction over any future consideration of related matters.

Sincerely,

DAN BURTON,
Chairman.

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

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allocated to this side.

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3312, the Merit System Protection Board Administrative Dispute Resolution Act of 1999.

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This bipartisan legislation would establish a 3-year alternative dispute resolution pilot program. Under the terms of the bill, Federal agencies and employees would be given assistance in voluntarily resolving personnel action and disputes in administrative agencies through mediation, arbitration and mini trials or combinations of these procedures.

Although formal hearings and litigation are available to both Federal agencies and employees, these methods are often expensive and lengthy. By contrast, the voluntary dispute resolution process offers a potentially less costly alternative system that can encourage examine compromise and settlement. Under the legislation, matters such as removals, suspensions, reduction in pay and pay grade, furlough and performance actions may all be addressed outside the formal court system.

This legislation would not replace litigation but simply offer a voluntary early intervention program. It is the intent of the legislation to provide ADR on a voluntary basis and not compromise or modify contractual or collective bargaining rights of Federal employees.

This bipartisan bill is an excellent example of a method that will relieve the burdened legal system of matters that may be more easily and more effectively resolved using a nonadversarial approach.

I would also note that, under the manager's amendment, administrative judges of the Merit Systems Protection Board will receive an increase in compensation to account for their expanded duties under this bill. This is designed to help ensure that we can recruit and retain these highly qualified judicial officials.

I strongly support H.R. 3312 and urge my fellow Members to vote yes on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of HR 3312, the Merit Systems Protection Board Administrative Dispute Resolution Act of 2000. The bill rightly enjoys bipartisan support and my colleagues should be commended for reaching consensus on this issue.

HR 3312 would authorize the Merits Systems Protection Board to establish a 3-year pilot program that provides voluntary early intervention alternative disputes resolution (ADR) to assist federal agencies and employees in resolving certain personnel actions and disputes. The bill represents an important step forward in identifying innovative ways to resolve disputes that would be better kept outside the domain of the courts.

The Merit Systems Protection Board ("the Board") is an independent adjudicatory agency established by the Civil Service Reform Act of 1978. It has served the nation well. Since its inception, the Board has heard tens of thousands of cases while providing federal employees with an impartial forum for resolving their employment disputes with federal agencies.

Nevertheless, the expanded responsibilities and heavy caseload of the Board is taking a toll. Congress has expanded the jurisdiction of the Board without a requisite level of judicial resources. In 1999, the Board's 71 administrative judges heard nearly 8,000 appeals, or 100 decisions each.

Alternative dispute resolution such as arbitration, facilitation, mini-trials are all used voluntarily to resolve significant issues in controversy. HR 3312 appropriately focuses on encouraging the agency and employee in a dispute to resolve disputes without litigation. The covered disputes include removal, a suspension of more than 14 days, a reduction in pay grade, a furlough of 30 days or less, and an action passed on unacceptable performance. According to the Findings and Purposes of HR 3312, ADR would be more successful if it were utilized earlier in the process. Voluntary early intervention is, of course, a sensible solution.

I share my colleagues enthusiasm for the changes made during a subcommittee markup of the bill; I supported the bill once when it reached the full committee. I am pleased that the changes to HR 3312 clarified the bill's voluntariness provisions. To accomplish this, the amendment makes absolutely clear that the parties in a dispute can only be subject to early intervention ADR by the Merit System Protection Board upon their joint request. As introduced, the bill required that the notice letter in personnel disputes advise the employees as the availability of ADR. The substitute supplements the bill's notice letter requirement to include a description of this pilot program and of standards the Board will use to select from among eligible cases. In addition, it is noteworthy that the amendment clarifies the bill's language regarding arbitration to make clear that it would be non-binding.

Indeed, to further emphasize the voluntary nature of the early intervention ADR offer by the Board under the bill, the substitute added the words "upon joint request of parties" or some variant. As a result of these changes, the only cases eligible for early intervention ADR by the Board are those which both agency and the employee request jointly.

Additionally, the original version of H.R. 3312 compels an agency to advise an employee as the availability of early intervention ADR in the notice letter of proposed personnel action. The substitute expanded this requirement to include (a) a description of this program and (b) a description of the standards the Board must develop for selecting and handling cases. This will clarify the two step process a dispute must entertain before early intervention ADR. First, the parties jointly request ADR from the Board. Then, the Board determines whether or not the matter is "appropriate for the program." These are welcome improvements to the ADR process.

The bill further stipulates that the Board's acceptance of a case for ADR must be subject to any applicable collective bargaining agreement. We can never overestimate the importance of collective bargaining agreements—and the bill reinforces the importance of safeguarding this matter.

Mr. Speaker, I urge my colleagues to support this measure to make the voluntary nature of the ADR process more accessible and perhaps more efficient to potential litigants.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the bill, H.R. 3312, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions."

A motion to reconsider was laid on the table.

VESSEL WORKER TAX FAIRNESS ACT

Mrs. BONO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

The Clerk read as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting "(a) WITHHOLDING.—" before "WAGES"; and

(2) by adding at the end the following:

"(b) LIABILITY.—"

“(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

“(2) APPLICATION.—This subsection applies to an individual—

“(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

“(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. 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 S. 893.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the right of States to tax economic activities within their borders is a key feature of federalism rooted in the Constitution and long recognized by Congress. State taxing power is not absolute, however, and Congress and the courts protect residents from State taxes that discriminate against nonresidents and unduly burden interstate commerce.

Interstate transportation workers derive their income in multiple States in the course of regularly assigned duties. Through a patchwork of legislation spanning nearly three decades, Congress has exempted interstate rail, motor, and air carriers from having to pay income taxes in more than one State by making the income of these workers taxable only in the worker's State of residence. While these workers have escaped the onerous burden of multiple taxation, Congress has failed to provide similar relief to interstate water workers.

Under current law, interstate water workers may be taxed in both their State of residence and in any State in which they derive 50 percent or more of their income. This taxing requirement has had an acute impact on waterway workers who reside in Washington but work along the Columbia River in the Pacific Northwest.

Recently, Oregon taxing authorities have presented these workers with staggering tax bills for income they claim was derived in Oregon while working on the Columbia River, which

separates Washington from Oregon. In response to this problem, the gentleman from Washington (Mr. BAIRD) introduced legislation that would exempt interstate waterway workers from multiple State income taxation.

The Committee on the Judiciary reported H.R. 1293, legislation nearly identical to S. 893. In order to facilitate prompt consideration of the measure, we are considering S. 893, which was introduced by the distinguished Senator from Washington, Mr. GORTON. Equalizing the taxing status of interstate water workers enjoys bipartisan support in both Houses of Congress. I urge the support of this bill.

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

Mr. SCOTT. Mr. Speaker I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allotted to this side.

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to be here today on the floor of the House as we take up this important legislation to provide tax fairness for thousands of hard-working Americans in my home State of Washington and throughout this Nation.

While most interstate transportation workers are exempt from taxation by States other than that of their residence, those working on vessels operating on interstate waterways are subject to contradictory laws that are difficult to apply. Consequently, a number of waterway employees who are residents of Washington have been sent notices from other States seeking to collect thousands of dollars in presumably delinquent taxes for which they may not be responsible under Federal law.

I am speaking today about river pilots, I am talking about men and women who work on barges, and I am talking about hard-working boat crew members who do an honest day's work and want a fair shake when it comes to paying their taxes.

Mr. Speaker, I am deeply concerned that, under current tax law, a significant number of interstate waterway employees who are employed on vessels that operate on the Columbia River or the Snake River and many other inland waterways throughout this Nation are being unfairly taxed for their labor.

When truck drivers, railway workers, or aviation employees go about their jobs, all of which require them to conduct work in States other than their home States, Congress has seen fit to grant them an exemption for this type of unfair taxation unless a majority of the work is performed in another State.

Interstate transportation workers, including those employed by interstate railway carriers, motor carriers, water carriers, and air carriers who are engaged in interstate commerce, were first protected from unfair taxation by multiple States in 1970.

In 1990, Congress took additional steps to prohibit States from taxing the income of interstate rail and motor carrier workers, except those States where the employee resides. A similar limitation exists on States' rights to tax employees of interstate air carriers engaged in interstate transportation duties.

An airline pilot, for example, is subject to taxation by the State in which the pilot resides, period. This restriction, for all practical purposes, exempts airline employees from multiple taxation. However, interstate water carriers, bargemen, tug boat operators, river boat pilots, ferry operators, et cetera, for some reason, these folks have been treated differently.

Mr. Speaker, we can fix this problem today. Over the past 30 years, Congress has addressed inequities in the Tax Code when it dealt with interstate transportation employees. I am asking my colleagues today to again take action to correct this problem.

The legislation we put forward is not complex legislation. It is very straightforward. It is not lengthy. It is a two-page bill. But it is good legislation, and it is needed legislation.

As we consider the legislation today, there is another voice I would like to bring to the floor, and that is the voice of Captain Robert Nelson. In late 1998, Captain Nelson got some bad news. He got several pieces of bad news. First, his wife was seriously injured in a car wreck. Then a couple months later, Captain Nelson himself was diagnosed with terminal lung and brain cancer. He was given, at the time, 3 months to live.

That is a heavy enough load. But on his way to the mailbox, he then received a letter from the Oregon Department of Revenue that he was to pay a \$78,000 back tax bill to a State that he had not really set foot in the course of his work.

Captain Nelson was assessed those costs, not because he lived or worked in Oregon, but because he worked in a river system.

I would ask Members of this body to put themselves in that family's shoes for just a minute, to ask themselves how they would feel if, on top of worrying about their wife, their family, their own health, they had to then pay an exorbitant tax bill to a State they did not work in.

Things like that should not happen in America. Mr. Speaker, with my colleagues help, we can do something about it. I urge my colleagues to join me in passing this bipartisan bill to ensure tax fairness for transportation workers.

I am proud of the steps we have taken to get here today. This is a bipartisan bill. It is a fair and needed bill. I would like to thank those who have been involved.

Senator GORTON in the other body introduced legislation shortly after I dropped the bill in the House. Our bill also received a committee hearing from the Committee on the Judiciary, and I want to thank the gentleman from Pennsylvania (Chairman GEKAS) and the gentleman from New York (Mr. NADLER), ranking member, for their support and assistance, as well as the able staff, Rob Tracci and the committee's minority staffer, Dave Lachman. They also did a very good job of putting the hearing together, and I want to say thanks for their efforts.

I would like to thank the chairmen and ranking members of both full committees and subcommittees to which the bill was referred: the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary; and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure.

I would like to also particularly thank the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Maryland (Mr. GILCHRIST) also Mr. Ward McCarragher of the Committee on Transportation and Infrastructure for his work and Mr. Turton and Mr. Boyle for their work.

Today we have an opportunity to restore simple fairness to our Tax Code. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the Senate bill, S. 893.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT COMMUNITIES SHOULD IMPLEMENT AMBER PLAN FOR RECOVERY OF ABDUCTED CHILDREN

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Clerk read as follows:

H. RES. 605

Whereas communities should implement an emergency alert plan such as the Amber

Plan to expedite the recovery of abducted children;

Whereas the Amber Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas the Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the Amber Plan;

Whereas, to date, the Amber Plan is credited with saving the lives of at least 9 children nationwide;

Whereas the National Center for Missing and Exploited Children endorses the Amber Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the Amber Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Amber Plan is a powerful tool in fighting child abductions and should be used across the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. 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. Res. 605.

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

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 605, introduced by the gentlewoman from New Mexico (Mrs. WILSON). This resolution will express the sense of the House of Representatives that communities across the United States should implement what has become known as the Amber Plan to help find and recover children who have been abducted.

Crimes committed against our children is a serious problem in the United States. Congress has played a significant role in our national struggle to protect children by providing grant money to the States to fight crime committed against children and by passing tough new Federal laws to prosecute criminals who victimize children. But of course most of the work to prevent these crimes and punish those who commit them occurs at the local level.

Today Congress has an opportunity to bring national attention to an effective program working at the local level called the Amber Plan. This program, begun in Dallas-Fort Worth, Texas,

helps save the lives of children who have been kidnapped. The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was tragically kidnapped and murdered in Arlington, Texas. Because of its success in Dallas-Fort Worth, it has been replicated in communities across the country.

The Amber Plan works by utilizing the national Emergency Alert System. When a child is reported abducted, the abduction, including the description of the alleged perpetrator, is immediately broadcast by local radio and television stations using the Emergency Alert System. These alerts get the word to everyone who might recognize the child or might recognize the abductor and then call the police. Since its inception, the Amber Plan has led to the safe recovery of at least nine children nationwide.

The use of the Emergency Alert System to blanket broadcast areas with the news that a child has been abducted is a wonderful idea. Any time a crime such as a kidnapping is committed, quick action can make all the difference in whether the criminal gets away with his crime or is apprehended.

I want to thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership on this issue. I urge all my colleagues to support the resolution.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 605 which would express the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Amber Plan provides for community law enforcement, radio and television stations to work together to alert the public of child abductions.

Under the plan, the law enforcement alerts the media which interrupt programs to broadcast notices seeking help from the public when child abductions are reported and confirmed.

The Amber Plan was created in December 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. Since its creation, the system has become a powerful tool, especially in the early hours of an abduction investigation, and is credited with saving the lives of at least nine children nationwide.

□ 1530

The National Center for Missing and Exploited Children, a respected organization dedicated to assisting families in recovering missing children, has endorsed the Amber Plan and is directing its expansion. Versions of the plan have been adopted in several cities already, including Kansas City, Missouri; Memphis, Tennessee; Charlotte, North Carolina; and Cincinnati, Ohio.