

“(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

“(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

“(B) one meaningful application to use the property has been submitted but has not been approved, and the party seeking redress has applied for one appeal or waiver which has not been approved, where the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available, if it cannot provide the relief requested, or if application or re-application to use the property would be futile. Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.”.

**SEC. 5. DUTY OF NOTICE TO OWNERS.**

Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments made by this Act, the agency shall give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due to them under such amendments.

**SEC. 6. EFFECTIVE DATE.**

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. LOFGREN moved to recommit the bill to the Committee on the Judiciary.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, *viva voce*, Will the House recommit said bill? The SPEAKER pro tempore, Mr. HANSEN, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. HANSEN, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 248  
affirmative ..... } Nays ..... 178

¶118.12 [Roll No. 519]  
AYES—248

Aderholt	Ballenger	Berry
Archer	Barcia	Bilirakis
Armey	Barr	Bishop
Bachus	Barrett (NE)	Bliley
Baesler	Bartlett	Blumenauer
Baker	Barton	Blunt
Baldacci	Bateman	Boehner

Bonilla	Harman
Bono	Hastert
Boswell	Hastings (WA)
Boyd	Hayworth
Brady	Hefley
Bryant	Herger
Bunning	Hill
Burr	Hilleary
Burton	Hilliard
Buyer	Hinojosa
Callahan	Hobson
Calvert	Hoekstra
Camp	Holden
Campbell	Hostettler
Canady	Houghton
Cannon	Hoyer
Chabot	Hulshof
Chenoweth	Hunter
Christensen	Hutchinson
Clement	Hyde
Coble	Inglis
Coburn	Istook
Collins	Jefferson
Combest	Jenkins
Condit	John
Cook	Johnson, Sam
Cooksey	Jones
Cox	Kasich
Cramer	Kim
Crane	King (NY)
Crapo	Kingston
Cunningham	Knollenberg
Danner	Kolbe
Davis (VA)	LaHood
Deal	Largent
DeLay	Latham
Deutsch	LaTourrette
Diaz-Balart	Leach
Dickey	Lewis (CA)
Dooley	Lewis (KY)
Doolittle	Linder
Doyle	Livingston
Dreier	LoBiondo
Duncan	Lucas
Dunn	Manzullo
Edwards	Martinez
Ehrlich	Mascara
Emerson	McCollum
English	McCrery
Ensign	McDade
Etheridge	McHugh
Everett	McInnis
Fazio	McIntyre
Foley	McKeon
Ford	Metcalfe
Fowler	Mica
Fox	Miller (FL)
Franks (NJ)	Moran (KS)
Frost	Murtha
Gallegly	Myrick
Gekas	Nethercutt
Gibbons	Neumann
Gillmor	Ney
Gingrich	Northup
Goode	Norwood
Goodlatte	Nussle
Goodling	Ortiz
Gordon	Oxley
Graham	Packard
Granger	Pappas
Green	Parker
Gutknecht	Pascrell
Hall (OH)	Paul
Hall (TX)	Paxon
Hamilton	Pease
Hansen	Peterson (MN)

NOES—178

Abercrombie	Castle
Ackerman	Clay
Allen	Clayton
Andrews	Clyburn
Barrett (WI)	Conyers
Bass	Costello
Becerra	Coyne
Bentsen	Cummings
Bereuter	Davis (FL)
Berman	Davis (IL)
Bilbray	DeFazio
Blagojevich	DeGette
Boehler	DeLahunt
Bonior	DeLauro
Borski	Dellums
Boucher	Dicks
Brown (CA)	Dingell
Brown (FL)	Dixon
Brown (OH)	Doggett
Capps	Ehlers
Carson	Engel
	Eshoo

Peterson (PA)	Hinchey
Petri	Hooley
Pickering	Horn
Pickett	Jackson (IL)
Pitts	Johnson (CT)
Pombo	Johnson (WI)
Pryce (OH)	Johnson, E. B.
Quinn	Kanjorski
Radanovich	Kaptur
Redmond	Kelly
Regula	Kennedy (MA)
Riggs	Kennedy (RI)
Riley	Kennelly
Roemer	Kildee
Rogan	Kilpatrick
Rogers	Kind (WI)
Rohrabacher	Klecza
Ros-Lehtinen	Klink
Rothman	Klug
Royce	Kucinich
Ryun	LaFalce
Salmon	Lampson
Sanchez	Lazio
Sandlin	Levin
Scarborough	Lewis (GA)
Schaefer, Dan	Lipinski
Schaffer, Bob	Lofgren
Scott	Lowe
Sensenbrenner	Luther
Sessions	Maloney (CT)
Shadegg	Maloney (NY)
Shaw	Manton
Shimkus	Markey
Shuster	Marskey
Sisisky	Matsui
Skeen	McCarthy (MO)
Skelton	McCarthy (NY)
Smith (MI)	McDermott
Smith (OR)	McGovern
Smith (TX)	
Smith, Linda	
Snowbarger	
Solomon	
Souder	
Spence	
Stearns	
Stenholm	
Stump	
Sununu	
Talent	
Tanner	
Tauzin	
Taylor (MS)	
Taylor (NC)	
Thomas	
Thompson	
Thornberry	
Thune	
Tiahrt	
Traficant	
Turner	
Upton	
Wamp	
Watkins	
Watts (OK)	
Weldon (FL)	
Weldon (PA)	
Weller	
Weygand	
White	
Whitfield	
Wicker	
Wolf	
Young (AK)	
Young (FL)	

McHale	Rush
McKinney	Sabo
McNulty	Sanders
Meehan	Sanford
Meeke	Sawyer
Menendez	Saxton
Miller (CA)	Schumer
Miller (CA)	Serrano
Minge	Shays
Mink	Sherman
Moakley	Skaggs
Mollohan	Slaughter
Moran (VA)	Smith (NJ)
Morella	Smith, Adam
Nadler	Snyder
Neal	Spratt
Oberstar	Stabenow
Obey	Stark
Olver	Stokes
Owens	Stupak
Pallone	Tauscher
Pastor	Thurman
Payne	Tierney
Pelosi	Torres
Pomeroy	Towns
Porter	Velazquez
Portman	Vento
Poshard	Visclosky
Price (NC)	Walsh
Rahall	Waters
Ramstad	Watt (NC)
Rangel	Waxman
Reyes	Wexler
Rivers	Wise
Rodriguez	Woolsey
Roukema	Wynn
Roybal-Allard	Yates

NOT VOTING—8

Chambliss	Jackson-Lee	McIntosh
Cubin	(TX)	Schiff
Gonzalez	Lantos	Strickland

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.13 CLERK TO CORRECT  
ENGROSSMENT

On motion of Mr. COBLE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

¶118.14 PROVIDING FOR THE  
CONSIDERATION OF H.R. 2646

Ms. PRYCE, by direction of the Committee on Rules, reported (Rept. No. 105-336) the resolution (H. Res. 274) providing for the consideration of the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶118.15 PROVIDING FOR THE  
CONSIDERATION OF H.R. 2247

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 270):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the report of the Committee on Rules accompanying this resolution and an amendment in the nature of a substitute by Representative Oberstar of Minnesota. The amendment by Representative Oberstar may be offered only after the disposition of the amendments printed in the report of the Committee on Rules, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The amendments printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate, On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. KOLBE, announced that the yeas had it.

Mr. MOAKLEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 226  
Nays ..... 200

¶118.16 [Roll No. 520]  
YEAS—226

- |               |               |               |
|---------------|---------------|---------------|
| Aderholt      | Gillmor       | Paul          |
| Archer        | Gilman        | Paxon         |
| Army          | Goode         | Pease         |
| Bachus        | Goodlatte     | Peterson (PA) |
| Baker         | Goodling      | Petri         |
| Ballenger     | Goss          | Pickering     |
| Barr          | Graham        | Pitts         |
| Barrett (NE)  | Granger       | Pombo         |
| Bartlett      | Greenwood     | Porter        |
| Barton        | Gutknecht     | Portman       |
| Bass          | Hall (TX)     | Pryce (OH)    |
| Bateman       | Hansen        | Quinn         |
| Bereuter      | Hastert       | Radanovich    |
| Bilbray       | Hastings (WA) | Ramstad       |
| Bilirakis     | Hayworth      | Redmond       |
| Biley         | Herger        | Regula        |
| Blunt         | Hill          | Riggs         |
| Boehlert      | Hilleary      | Riley         |
| Boehner       | Hobson        | Rogan         |
| Bonilla       | Hoekstra      | Rogers        |
| Bonior        | Horn          | Rohrabacher   |
| Brady         | Hostettler    | Ros-Lehtinen  |
| Bryant        | Houghton      | Roukema       |
| Bunning       | Hulshof       | Royce         |
| Burr          | Hunter        | Ryun          |
| Burton        | Hutchinson    | Salmon        |
| Buyer         | Hyde          | Sanford       |
| Callahan      | Inglis        | Saxton        |
| Calvert       | Istook        | Scarborough   |
| Camp          | Jenkins       | Schaefer, Dan |
| Campbell      | Johnson (CT)  | Schaffer, Bob |
| Canady        | Johnson, Sam  | Sensenbrenner |
| Cannon        | Jones         | Sessions      |
| Cardin        | Kasich        | Shadegg       |
| Castle        | Kelly         | Shaw          |
| Chabot        | Kim           | Shays         |
| Chenoweth     | King (NY)     | Shimkus       |
| Christensen   | Kingston      | Shuster       |
| Coble         | Klug          | Skeen         |
| Coburn        | Knollenberg   | Smith (MI)    |
| Collins       | Kolbe         | Smith (NJ)    |
| Combest       | LaHood        | Smith (OR)    |
| Cook          | Largent       | Smith (TX)    |
| Cooksey       | Latham        | Smith, Linda  |
| Cox           | LaTourrette   | Snowbarger    |
| Crane         | Lazio         | Solomon       |
| Crapo         | Leach         | Souder        |
| Davis (VA)    | Lewis (CA)    | Spence        |
| Deal          | Lewis (KY)    | Stearns       |
| DeLay         | Linder        | Stenholm      |
| Diaz-Balart   | Livingston    | Stump         |
| Dickey        | LoBiondo      | Sununu        |
| Dooley        | Lucas         | Talent        |
| Doolittle     | Manzullo      | Tauzin        |
| Dreier        | McCollum      | Taylor (NC)   |
| Duncan        | McCrery       | Thomas        |
| Dunn          | McDade        | Thornberry    |
| Ehlers        | McHugh        | Thune         |
| Ehrlich       | McInnis       | Tiahrt        |
| Emerson       | McKeon        | Trafficant    |
| English       | Metcalf       | Upton         |
| Ensign        | Mica          | Walsh         |
| Everett       | Miller (FL)   | Wamp          |
| Ewing         | Moran (KS)    | Watkins       |
| Fawell        | Morella       | Watts (OK)    |
| Foley         | Myrick        | Weldon (FL)   |
| Forbes        | Nethercutt    | Weldon (PA)   |
| Fowler        | Neumann       | Weller        |
| Fox           | Ney           | White         |
| Franks (NJ)   | Northup       | Whitfield     |
| Frelinghuysen | Norwood       | Wicker        |
| Galleghy      | Nussle        | Wolf          |
| Ganske        | Oxley         | Young (AK)    |
| Gekas         | Packard       | Young (FL)    |
| Gibbons       | Pappas        |               |
| Gilchrest     | Parker        |               |

NAYS—200

- |              |             |            |
|--------------|-------------|------------|
| Abercrombie  | Bishop      | Carson     |
| Ackerman     | Blagojevich | Clay       |
| Allen        | Blumenauer  | Clayton    |
| Andrews      | Bonior      | Clement    |
| Baesler      | Borski      | Clyburn    |
| Baldacci     | Boswell     | Condit     |
| Barcia       | Boucher     | Conyers    |
| Barrett (WI) | Boyd        | Costello   |
| Becerra      | Brown (CA)  | Coyne      |
| Bentsen      | Brown (FL)  | Cramer     |
| Berman       | Brown (OH)  | Cummings   |
| Berry        | Capps       | Cunningham |

- |                |               |               |
|----------------|---------------|---------------|
| Danner         | Kennedy (RI)  | Pickett       |
| Davis (FL)     | Kennelly      | Pomeroy       |
| Davis (IL)     | Kildee        | Poshard       |
| DeFazio        | Kilpatrick    | Price (NC)    |
| DeGette        | Kind (WI)     | Rahall        |
| Delahunt       | Kleczka       | Rangel        |
| DeLauro        | Klink         | Reyes         |
| Dellums        | Kucinich      | Rivers        |
| Deutsch        | LaFalce       | Rodriguez     |
| Dicks          | Lampson       | Roemer        |
| Dingell        | Levin         | Rothman       |
| Dixon          | Lewis (GA)    | Roybal-Allard |
| Doggett        | Lipinski      | Rush          |
| Doyle          | Lofgren       | Sabo          |
| Edwards        | Lowe          | Sanchez       |
| Engel          | Luther        | Sanders       |
| Eshoo          | Maloney (CT)  | Sandlin       |
| Etheridge      | Maloney (NY)  | Sawyer        |
| Evans          | Manton        | Schumer       |
| Farr           | Markey        | Scott         |
| Fattah         | Martinez      | Serrano       |
| Fazio          | Mascara       | Sherman       |
| Filner         | Matsui        | Sisisky       |
| Flake          | McCarthy (MO) | Skaggs        |
| Foglietta      | McCarthy (NY) | Skelton       |
| Ford           | McDermott     | Slaughter     |
| Frank (MA)     | McGovern      | Smith, Adam   |
| Frost          | McHale        | Snyder        |
| Furse          | McIntyre      | Spratt        |
| Gejdenson      | McKinney      | Stabenow      |
| Gephardt       | McNulty       | Stark         |
| Gordon         | Meehan        | Stokes        |
| Green          | Meek          | Stupak        |
| Gutierrez      | Menendez      | Tanner        |
| Hall (OH)      | Millender     | Tauscher      |
| Hamilton       | McDonald      | Taylor (MS)   |
| Harman         | Miller (CA)   | Thompson      |
| Hastings (FL)  | Minge         | Thurman       |
| Hefley         | Mink          | Tierney       |
| Hefner         | Moakley       | Torres        |
| Hilliard       | Mollohan      | Towns         |
| Hinchee        | Moran (VA)    | Turner        |
| Hinojosa       | Murtha        | Velazquez     |
| Holden         | Nadler        | Vento         |
| Hooley         | Neal          | Visclosky     |
| Hoyer          | Oberstar      | Waters        |
| Jackson (IL)   | Obey          | Watt (NC)     |
| Jackson-Lee    | Olver         | Waxman        |
| (TX)           | Ortiz         | Wexler        |
| Jefferson      | Owens         | Weygand       |
| John           | Pallone       | Wise          |
| Johnson (WI)   | Pascrell      | Woolsey       |
| Johnson, E. B. | Pastor        | Wynn          |
| Kanjorski      | Payne         | Yates         |
| Kaptur         | Pelosi        |               |
| Kennedy (MA)   | Peterson (MN) |               |

NOT VOTING—7

- |           |          |            |
|-----------|----------|------------|
| Chambliss | Lantos   | Strickland |
| Cubin     | McIntosh |            |
| Gonzalez  | Schiff   |            |

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.17 AMTRAK AUTHORIZATION

The SPEAKER pro tempore, Mr. PEASE, pursuant to House Resolution 270 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

The SPEAKER pro tempore, Mr. PEASE, by unanimous consent, designated Mr. KOLBE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. CALLAHAN, assumed the Chair.

When Mr. KOLBE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.