

employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

“(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

“(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds \$570,000.

“(4) BASIC PAY DEFINED.—In this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

“(5) ANNUAL REPORT.—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2).”

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) in the subsection heading by striking “VOICE”;

(2) in paragraphs (1) and (2) by striking “cockpit voice recorder” and inserting “cockpit voice or video recorder”;

(3) in the second sentence of paragraph (1) by inserting “or any written depiction of visual information” after “transcript”.

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

“(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

“(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

“(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.”

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking “and (e)” and inserting “(d), and (f)”.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) in the section heading by striking “cockpit voice and other material” and inserting “cockpit and surface vehicle recordings and transcripts”;

(B) in subsection (a)—

(i) by striking “cockpit voice recorder” each place it appears and inserting “cockpit or surface vehicle recorder”;

(ii) by striking “section 1114(c)” each place it appears and inserting “section 1114(c) or 1114(d)”;

(iii) by adding at the end the following:

“(6) In this subsection—

“(A) the term ‘recorder’ means a voice or video recorder; and

“(B) the term ‘transcript’ includes any written depiction of visual information obtained from a video recorder.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

“1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.”

(d) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—Section 329 is amended by adding at the end the following:

“(e) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

“(1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

“(2) does not place a periodic reporting burden on any person; and

“(3) does not necessitate the collection and preservation of data separate from the device.”

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking “(2) An investigation” and inserting “(2)(A) Subject to the requirements of this paragraph, an investigation”;

(2) by adding at the end the following:

“(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

“(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A) through (D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.”

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking “1134(b)(2)” and inserting “1134(a), (b), (d), and (f)”.

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

“§ 1137. Authority of the Inspector General

“(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

“(2) issue findings and recommendations for actions to address such problems; and

“(3) report periodically to Congress on any progress made in implementing actions to address such problems.

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.”

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following:

“1137. Authority of the Inspector General.”

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

“(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002. Such sums remain available until expended.”

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

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

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

Mr. DUNCAN 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 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 420 Nays 4

105.10 [Roll No. 462] YEAS—420

Table listing names of members present: Abercrombie, Ackerman, Aderholt, Allen, Andrews, Archer, Armev, Bachus, Baird, Baker, Baldacci, Baldwin, Ballenger, Barcia, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Berkley, Berman, Berry, Biggert, Bilbray, Bilirakis, Bishop, Blagojevich, Bliley, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonior, Bono

Borski	Gonzalez	McCarthy (MO)	Scott	Stenholm	Upton
Boswell	Goode	McCarthy (NY)	Sensenbrenner	Strickland	Velazquez
Boucher	Goodlatte	McCollum	Serrano	Stump	Vento
Brady (PA)	Goodling	McCrery	Sessions	Stupak	Visclosky
Brady (TX)	Gordon	McDermott	Shadegg	Sununu	Vitter
Brown (FL)	Goss	McGovern	Shaw	Sweeney	Walden
Brown (OH)	Graham	McHugh	Shays	Talent	Walsh
Bryant	Granger	McInnis	Sherman	Tancredo	Wamp
Burr	Green (TX)	McIntosh	Sherwood	Tanner	Waters
Buyer	Green (WI)	McIntyre	Shimkus	Tauscher	Watkins
Callahan	Greenwood	McKeon	Shows	Tauzin	Watt (NC)
Calvert	Gutierrez	McKinney	Shuster	Taylor (MS)	Watts (OK)
Camp	Gutknecht	McNulty	Simpson	Taylor (NC)	Waxman
Campbell	Hall (OH)	Meehan	Sisisky	Terry	Weiner
Canady	Hall (TX)	Meek (FL)	Skeen	Thomas	Weldon (FL)
Cannon	Hansen	Menendez	Skelton	Thompson (CA)	Weldon (PA)
Capps	Hastings (FL)	Metcalfe	Slaughter	Thompson (MS)	Weller
Capuano	Hastings (WA)	Mica	Smith (MI)	Thornberry	Wexler
Cardin	Hayes	Millender-McDonald	Smith (NJ)	Thune	Weygand
Carson	Hayworth	Miller (FL)	Smith (TX)	Thurman	Whitfield
Castle	Hefley	Miller, Gary	Smith (WA)	Tiahrt	Wicker
Chabot	Herger	Miller, George	Snyder	Tierney	Wilson
Chambless	Hill (IN)	Minge	Souder	Toomey	Wolf
Clay	Hill (MT)	Mink	Spence	Towns	Woolsey
Clayton	Hilleary	Moakley	Spratt	Trafficant	Wynn
Clement	Hilliard	Mollohan	Stabenow	Turner	Young (AK)
Clyburn	Hinchee	Moore	Stark	Udall (CO)	Young (FL)
Coble	Hinojosa	Moran (KS)	Stearns	Udall (NM)	
Collins	Hobson	Moran (VA)			
Combest	Hoefel	Morella	Chenoweth	Paul	
Condit	Hoekstra	Murtha	Coburn	Sanford	
Conyers	Holden	Myrick			
Cook	Holt	Nadler			
Cooksey	Horn	Napolitano			
Costello	Hostettler	Neal	Becerra	Hooley	Scarborough
Cox	Houghton	Nethercutt	Boyd	Jefferson	Wise
Coyne	Hoyer	Ney	Burton	Meeks (NY)	Wu
Cramer	Hulshof	Northup			
Crane	Hunter	Norwood			
Crowley	Hutchinson	Hyde			
Cubin	Hyde	Nussle			
Cummings	Inslee	Oberstar			
Cunningham	Isakson	Obey			
Danner	Istook	Olver			
Davis (FL)	Jackson (IL)	Ortiz			
Davis (IL)	Jackson-Lee	Ose			
Davis (VA)	(TX)	Owens			
Deal	Jenkins	Oxley			
DeFazio	John	Packard			
DeGette	Johnson (CT)	Pallone			
Delahunt	Johnson, E. B.	Pascarell			
DeLauro	Johnson, Sam	Pastor			
DeLay	Jones (NC)	Payne			
DeMint	Jones (OH)	Pease			
Deutsch	Kanjorski	Pelosi			
Diaz-Balart	Kaptur	Peterson (MN)			
Dickey	Kasich	Peterson (PA)			
Dicks	Kelly	Petri			
Dingell	Kennedy	Phelps			
Dixon	Kildee	Pickering			
Doggett	Kilpatrick	Pickett			
Dooley	Kind (WI)	Pitts			
Doolittle	King (NY)	Pombo			
Doyle	Kingston	Pomeroy			
Dreier	Kleczka	Porter			
Duncan	Klink	Portman			
Dunn	Knollenberg	Price (NC)			
Edwards	Kolbe	Pryce (OH)			
Ehlers	Kucinich	Quinn			
Ehrlich	Kuykendall	Radanovich			
Emerson	LaFalce	Rahall			
Engel	LaHood	Ramstad			
English	Lampson	Rangel			
Eshoo	Lantos	Regula			
Etheridge	Largent	Reyes			
Evans	Larson	Reynolds			
Everett	Latham	Riley			
Ewing	LaTourette	Rivers			
Farr	Lazio	Rodriguez			
Fattah	Leach	Roemer			
Filner	Lee	Rogan			
Fletcher	Levin	Rogers			
Foley	Lewis (CA)	Rohrabacher			
Forbes	Lewis (GA)	Ros-Lehtinen			
Ford	Lewis (KY)	Rothman			
Fossella	Linder	Roukema			
Fowler	Lipinski	Roybal-Allard			
Frank (MA)	LoBiondo	Royce			
Franks (NJ)	LoFgren	Rush			
Frelinghuysen	Lowe	Ryan (WI)			
Frost	Lucas (KY)	Ryun (KS)			
Galleghy	Lucas (OK)	Sabo			
Ganske	Luther	Salmon			
Gejdenson	Maloney (CT)	Sanchez			
Gekas	Maloney (NY)	Sanders			
Gephardt	Manzullo	Sandlin			
Gibbons	Markey	Sawyer			
Gilchrest	Martinez	Saxton			
Gillmor	Mascara	Schaffer			
Gilman	Matsui	Schakowsky			

NAYS—4

NOT VOTING—9

So the bill was passed.

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

¶105.11 PROVIDING FOR THE CONSIDERATION OF H.R. 2436

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 313):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. 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 the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order 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, 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 15 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 Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, 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.

¶105.12 UNBORN VICTIMS OF VIOLENCE

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 313 and rule XVIII, 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. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

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

¶105.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CANADY:

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert “, instead of being punished under subparagraph (A),” after “shall”; and

(2) in subsection (c)(1)—

(A) insert “, or a person authorized by law to act on her behalf,” after “woman”; and

(B) strike “in a medical emergency”.

Strike section 3 and insert the following:

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

“§919a. Art. 119a. Protection of unborn children

“(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.