

for a fiscal year shall be determined based on estimates made by the Committee on the Budget, in consultation with the Director, of the House of Representatives or the Senate, as the case may be.

“(d) LIMITATION ON APPLICATION OF SUBSECTION (a)(2).—Subsection (a)(2) shall not apply to any bill, joint resolution, amendment, or conference report that reauthorizes appropriations for carrying out, or that amends, any statute if enactment of the bill, joint resolution, amendment, or conference report—

“(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

“(2)(A) would not result in a net reduction or elimination of authorizations of appropriations for Federal financial assistance that would be provided to State, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

“(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount.

“SEC. 426. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

“It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425(a).

“SEC. 427. DISPOSITION OF POINTS OF ORDER.

“(a) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425(a) or 426 must specify the precise language on which it is premised.

“(b) QUESTION OF CONSIDERATION.—As disposition of points of order under section 425(a) or 426, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

“(c) DEBATE AND INTERVENING MOTIONS.—A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

“(d) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the question of consideration under this section with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this section with respect to an amendment made in order as original text.”.

SEC. 302. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

“(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 424(a)(1)(A) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.”.

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or

joint resolution number and the subject matter of that measure.

SEC. 303. EXERCISE OF RULEMAKING POWERS.

The provisions of this title (except section 305) are enacted by Congress—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such they shall be considered as part of the rules of the House of Representatives and the Senate, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives and the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives or the Senate, respectively.

SEC. 304. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting “PART A—GENERAL PROVISIONS” before the item relating to section 401 and by inserting after the item relating to section 407 the following:

“PART B—FEDERAL MANDATES

“Sec. 421. Definitions.

“Sec. 422. Limitation on application.

“Sec. 423. Duties of congressional committees.

“Sec. 424. Duties of the Director.

“Sec. 425. Point of order.

“Sec. 426. Enforcement in the House of Representatives.”.

SEC. 305. TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENT.—The State and Local Government Cost Estimate Act of 1981 (Public Law 97-108) is repealed.

(b) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended to read as follows:

“ANALYSIS BY CONGRESSIONAL BUDGET OFFICE

“SEC. 403. The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

“(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate; and

“(2) a comparison of the estimate of costs described in paragraph (1) with any available estimate of costs made by such committee or by any Federal agency.

The estimate and comparison so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.”.

SEC. 306. EFFECTIVE DATE.

This title shall take effect on October 1, 1995.

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

Mrs. COLLINS of Illinois moved to recommit the bill to the Committee on Government Reform and Oversight.

By unanimous consent, the previous question was ordered.

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

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

Mr. CLINGER 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 affirmative { Yeas 360 Nays 74

¶17.10 [Roll No. 83] AYES—360

Ackerman	DeFazio	Hilleary
Allard	DeLauro	Hobson
Andrews	DeLay	Hoekstra
Archer	Deutsch	Hoke
Armey	Diaz-Balart	Holden
Bachus	Dickey	Horn
Baesler	Dicks	Hostettler
Baker (CA)	Dixon	Houghton
Baker (LA)	Doggett	Hoyer
Baldacci	Dooley	Hunter
Ballenger	Doolittle	Hutchinson
Barcia	Dornan	Hyde
Barr	Doyle	Inglis
Barrett (NE)	Dreier	Istook
Barrett (WI)	Duncan	Jackson-Lee
Bartlett	Dunn	Jacobs
Barton	Durbin	Johnson (CT)
Bass	Edwards	Johnson (SD)
Bateman	Ehlers	Johnson, E. B.
Bentsen	Ehrlich	Johnson, Sam
Bereuter	Emerson	Jones
Berman	English	Kanjorski
Bevill	Ensign	Kaptur
Bilbray	Eshoo	Kasich
Bilirakis	Everett	Kelly
Bishop	Ewing	Kennedy (MA)
Bliley	Fawell	Kennelly
Blute	Fazio	Kildee
Boehkert	Fields (LA)	Kim
Boehner	Fields (TX)	King
Bonilla	Flake	Kingston
Bono	Flanagan	Klecicka
Borski	Foley	Klink
Boucher	Forbes	Klug
Brewster	Ford	Knollenberg
Browder	Fowler	Kolbe
Brownback	Fox	LaHood
Bryant (TN)	Frank (MA)	Lantos
Bryant (TX)	Franks (CT)	Largent
Bunn	Franks (NJ)	Latham
Bunning	Frelinghuysen	LaTourette
Burr	Frisa	Laughlin
Burton	Frost	Lazio
Buyer	Funderburk	Leach
Callahan	Furse	Lewis (CA)
Calvert	Galleghy	Lewis (KY)
Camp	Ganske	Lightfoot
Canady	Gekas	Lincoln
Cardin	Gephardt	Linder
Castle	Geren	Lipinski
Chabot	Gilchrest	Livingston
Chambliss	Gillmor	LoBiondo
Chapman	Gilman	Lofgren
Chenoweth	Gingrich	Longley
Christensen	Gonzalez	Lowe
Chrysler	Goodlatte	Lucas
Clement	Goodling	Luther
Clinger	Gordon	Manton
Clyburn	Goss	Manzullo
Coble	Graham	Markey
Coburn	Green	Martini
Coleman	Greenwood	Mascara
Collins (GA)	Gunderson	McCarthy
Combest	Gutknecht	McCollum
Condit	Hall (OH)	McCrery
Cooley	Hall (TX)	McDade
Costello	Hamilton	McHale
Cox	Hancock	McHugh
Cramer	Hansen	McInnis
Crane	Harman	McIntosh
Crapo	Hastert	McKeon
Creameans	Hastings (WA)	McNulty
Cubin	Hayes	Meehan
Cunningham	Hayworth	Menendez
Danner	Hefley	Metcalfe
Davis	Hefner	Meyers
de la Garza	Heineman	Mica
Deal	Hergert	Miller (FL)

Minge	Regula	Studds
Moakley	Reynolds	Stump
Molinari	Richardson	Stupak
Montgomery	Riggs	Talent
Moorhead	Rivers	Tanner
Moran	Roberts	Tate
Morella	Roemer	Tauzin
Murtha	Rogers	Taylor (MS)
Myers	Rohrabacher	Taylor (NC)
Myrick	Ros-Lehtinen	Tejeda
Neal	Rose	Thomas
Nethercutt	Roth	Thornberry
Neumann	Roukema	Thornton
Ney	Royce	Thurman
Norwood	Salmon	Tiahrt
Nussle	Sanford	Torkildsen
Obey	Sawyer	Torricelli
Oliver	Saxton	Trafcant
Ortiz	Scarborough	Upton
Orton	Schaefer	Volkmer
Oxley	Schiff	Vucanovich
Packard	Schumer	Waldholtz
Pallone	Seastrand	Walker
Parker	Sensenbrenner	Walsh
Paxon	Shadegg	Wamp
Payne (VA)	Shaw	Ward
Peterson (FL)	Shays	Watts (OK)
Peterson (MN)	Shuster	Weldon (FL)
Petri	Sisisky	Weldon (PA)
Pickett	Skeen	Weller
Pombo	Skelton	White
Pomeroy	Smith (MI)	Whitfield
Porter	Smith (NJ)	Wicker
Portman	Smith (TX)	Wilson
Poshard	Smith (WA)	Wise
Pryce	Solomon	Wolf
Quillen	Souder	Wyden
Quinn	Spence	Wynn
Radanovich	Spratt	Young (AK)
Rahall	Stearns	Young (FL)
Ramstad	Stenholm	Zeliff
Reed	Stockman	Zimmer

NOES—74

Abercrombie	Hinchey	Roybal-Allard
Beilenson	Jefferson	Rush
Bonior	Johnston	Sabo
Brown (CA)	Kennedy (RI)	Sanders
Brown (FL)	LaFalce	Schroeder
Brown (OH)	Levin	Scott
Clay	Lewis (GA)	Serrano
Clayton	Maloney	Skaggs
Collins (IL)	Martinez	Slaughter
Collins (MI)	Matsui	Stark
Conyers	McDermott	Stokes
Coyne	McKinney	Thompson
Dellums	Meek	Torres
Dingell	Mfume	Towns
Engel	Miller (CA)	Tucker
Evans	Mineta	Velazquez
Farr	Mink	Vento
Fattah	Mollohan	Visclosky
Filner	Nadler	Waters
Foglietta	Oberstar	Watt (NC)
Gejdenson	Owens	Waxman
Gibbons	Pastor	Williams
Gutierrez	Payne (NJ)	Woolsey
Hastings (FL)	Pelosi	Yates
Hilliard	Rangel	

NOT VOTING—1

Becerra

So the bill was passed.

On motion of Mr. CLINGER, by unanimous consent, the bill of the Senate (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. CLINGER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 5 as passed by the House.

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

By unanimous consent, the title was amended so as to read: "An Act to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

When on motion of Mr. CLINGER, it was,

Resolved, That the House insist upon its amendments and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER announced the appointment of Messrs. CLINGER, DREIER, PORTMAN, DAVIS, CONDIT, Mrs. COLLINS of Illinois, Messrs. TOWNS and MOAKLEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, H.R. 5, a similar House bill, was laid on the table.

¶17.11 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. CLINGER, by unanimous consent,

Ordered, That in the engrossment of the foregoing amendments, the Clerk be authorized to correct section numbers, punctuation, cross references, and the insertion of appropriate headings.

¶17.12 PROVIDING FOR THE CONSIDERATION OF H.R. 2

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 104-15) the resolution (H. Res. 55) providing for the consideration of the bill (H.R. 2) to give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.

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

¶17.13 PROVIDING FOR THE CONSIDERATION OF H.R. 440

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 53):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant 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. 440) to provide for the conveyance of lands to certain individuals in Butte County, California. 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 Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. 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. 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.

When said resolution was considered. After debate,

On motion of Mr. LINDER, 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.

¶17.14 PROVIDING FOR THE CONSIDERATION OF H.R. 400

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 52):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant 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. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, 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 Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. 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. 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.

When said resolution was considered. After debate,

On motion of Mr. MCINNIS, 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.

¶17.15 PROVIDING FOR THE CONSIDERATION OF H.R. 101

Mrs. WALDHOLTZ, by direction of the Committee on Rules, called up the following resolution (H. Res. 51):

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