which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 7. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''An Act to give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.''

A motion to reconsider was laid on the table.

House Resolution 147 was laid on the table.

REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that: First, it be in order to consider in the House a motion to take from the Speaker's table the Senate bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, to strike all after the enacting clause of S. 219 and to insert in lieu the text of H.R. 450 as passed by the House;

Second, that the motion be debatable for not to exceed 1 hour, to be equally divided and controlled among chairmen and ranking minority members of the Committees on Government Reform and Oversight and the Judiciary; and

Third, that the previous question be ordered on the motion to final adoption without intervening motion except one motion to commit.

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

Mr. PETERSON of Minnesota. Mr. Speaker, reserving the right to object, I do so in order that the gentleman may explain his unanimous consent request.

I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I have a motion at the desk at this point, if we may proceed.

The SPEAKER pro tempore. The gentleman has asked unanimous consent, the gentleman from Minnesota has reserved the right to object and has yielded to the gentleman from Pennsylvania.

Mr. PETERSON of Minnesota. Mr. Speaker, I would just like a further explanation.

Mr. CLINGER. Mr. Speaker, as part of the Contract With America, the House passed overwhelmingly, in a bipartisan fashion, H.R. 450, the Regulatory Transition Act of 1995, which imposes a temporary moratorium on the issuance of regulations. It provides a very necessary timeout on promulgation and implementation of regulations while Congress is in the process of deliberating long-overdue regulatory reforms.

So I think it would be helpful to review the bidding for just a moment. After 2 full days of debate on the House floor and numerous amendments, the final vote was 276 to 146. The House passed this bill February 24, 1995, and sent it to the Senate 2 days later. One month later, the Senate passed their version of the moratorium, which is, frankly, hard to characterize as a regulatory moratorium.

Mr. PETERSON of Minnesota. Mr. Speaker, I was just trying to figure it out, but apparently this is the normal procedure in the House, to link these two bills together.

So, Mr. Speaker, I withdraw my reservation of objection.

Mr. CLINGER. The objective is the same as what we just did in the last bill.

Mr. PETERSON of Minnesota. Mr. Speaker, I withdraw my reservation of objection and support the request of the gentleman from Pennsylvania.

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

There was no objection.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves to take from the Speaker's table the bill (S. 219) to grant the power to the President to reduce budget authority, and for other purposes, strike all after the enacting clause of the Senate bill, and insert the text of H.R. 450 as passed by the House.

□ 1115

The SPEAKER pro tempore (Mr. EMERSON]. Pursuant to order of the House, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes, the gentleman from Minnesota [Mr. PETERSON] will be recognized for 15 minutes, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Speaker, since I have already delivered part of my remarks on the motion, I would just reiterate, the version that we are sending back to the Senate is a very different version than was enacted in the Senate. It is our position

that the House bill is a very good piece of legislation that was crafted to ensure that the health and safety of our citizens is protected, while at the same time providing a necessary timeout from the burdens of regulation.

I think every Member of this body over time has heard from their constituents, small businessmen, individuals, communities, of the incredibly intolerable burden that is being imposed upon them by regulation. So there is a need for time for review and reflection while we pass and enact major regulatory reform which is in the process of moving its way forward.

Both the gentleman from Texas, Mr. DELAY, the distinguished majority whip, and the gentleman from Indiana, Chairman MCINTOSH, the chairman of the subcommittee of jurisdiction, authored H.R. 450 to provide this short-term moratorium to allow Congress and the administration to review regulations on the books and to determine whether they meet cost-benefit criteria, and, more importantly, whether they just plain make sense.

During hearings and debate on this bill we've heard story after story about regulatory overkill. Many regulations are unnecessary, duplicative, or conflicting. How many small businesses do we want to put out of business before pass reforms?

Just yesterday, we heard from a group of small businessmen that again underscored this point. Regulations promulgated under the Clean Air Act require that this industry obtain a permit from the EPA or State EPA for each piece of new equipment that they buy or install for their plant, rather than being allowed to have a single permit for that plant. This is like inspecting a car and rather than requiring a single inspection you have to get a separate inspection for the doors, the windshield, the brakes, the trunk, and the list goes on and on. These businessmen want to protect the environment, but find themselves using enough paper to plant a new forest—with little or not environmental benefits gained. For each facility, 300 to 400 pages of paper have to be generated to meet both the EPA and State requirements—which are often duplicative and conflicting. I am told that it took a 150-page manual just to explain the regulation.

Mr. Speaker, H.R. 450 is a good bill. We cannot afford as a society to continue down the road we are marching. This bill provides us an opportunity for a timeout to review regulations. It is my sincere hope that after all this effort we would be able to craft a reasonable compromise with the Senate. Some assumed that we would pass the Senate version of the bill. That simply is not going to happen.

I urge my colleagues to support this motion and hope that the Senate will see fit to move this bill forward to conference in an expedited fashion. It is a bill that does not belong in Congress—it belongs on the President's desk.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the gentleman's motion. Earlier this year the House passed a bill to provide for a moratorium on new regulations pending the enactment of other regulatory reform bills that provide for cost-benefit analysis and risk assessment. I worked closely with the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Indiana [Mr. MCINTOSH], the chairman of our subcommittee, and I supported this bill. I became convinced that we needed a time out on regulations and we needed a change in the way we deal with the regulatory process in this Government.

Subsequently, Mr. Speaker, the Senate passed its version of the moratorium legislation providing for a different approach, which is not all bad, which asks for a congressional review period for new regulations. In passing the bill, the Senate did not take its version and attach it to the House bill. Therefore, today's action is required as a first step towards trying to reach a compromise between the two versions.

As I reviewed regulations during the committee consideration of the bill, I found that in fact there are many regulations which Congress should look at more closely, and I think the moratorium bill would, in my opinion, force agencies to think twice before writing new regulations and to begin to do the cost-benefit analysis and risk assessment that the House has already passed and is pending in the Senate.

I do not think there is really a whole lot of need to repeat the debate in the House over this bill, since the motion of the gentleman today merely takes the House position and attaches it to the Senate bill. This is a standard procedure in the House for linking these two bills after the final passage in the House.

I support the gentleman's motion and hope that we are successful in bringing some sense to the other body and getting some consideration of our position.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I have no objection to the motion either. I do have a couple of questions, if I might address them to the distinguished chairman.

Am I correct that the piece of legislation that we are talking about here is the one that puts a total moratorium on any kind of Federal regulation, from any Federal agency, except for some of those key areas, like duck hunting, that were exempted here on the floor of the House by amendment?

Mr. CLINGER. There are a number of exceptions, as the gentleman knows, that are exempted from the provisions of the moratorium.

Mr. DOGGETT. Well, all of us are certainly opposed to unnecessary Federal regulations, and there are some silly ones out there. This particular proposal as it passed the House went so far, so extreme, so fast, that it was essentially rejected 100 to zip by the U.S. Senate, was it not, for an alternative approach?

Mr. CLINGER. I believe the gentleman is incorrect on that. This version was not considered by the other body.

Mr. DOGGETT. The Senate did not even bother to consider this approach. They took an alternative approach to trying to weed out regulations. Really the whole idea of a total moratorium is deader than a doornail in the Senate. You might as well put an RIP sign over it. It is gone. It is not going to happen.

Mr. CLINGER. If the gentleman would further yield, I would reject that concept. What we are trying to do, obviously, the Senate took a different approach from us. That is the whole purpose of a conference, is to sit down and negotiate those out. We think that our version is better, and we would hope to see the Senate version improved as a result of our conference.

Mr. DOGGETT. But 100 Members of the Senate, including all the Republicans, disagreed with the gentleman.

Mr. CLINGER. The matter has never come to a vote.

Mr. PETERSON of Minnesota. Mr. Speaker, reclaiming my time, I would agree with the gentleman from Pennsylvania, the chairman, that I do not think the Senate took a position on this.

I just want to say, some of us on this side of the aisle worked with the gentleman. I think as the bill was originally put together, these claims may have been valid. But I do not think it is valid with the bill as it passed the House.

We clearly gave the President the opportunity to deal with regulations that he felt were important to the imminent threat to the health and safety that might happen. We exempted routine administrative regulations. The claim cannot be made about this bill that it is going to stop all regulations for this moratorium period. That is not true. This does provide a mechanism that we think is reasonable to allow for regulations to go ahead that are necessary.

What we are trying to do with this moratorium is put a time out on regulations until we can get the other things in place so we can start bringing some commonsense, some cost-benefits and risk assessment to the regulatory process. We think that it is a reasonable approach.

As I say, I support what the chairman is doing, and I hope that we can get some of the elements of the moratorium bill into the final version when we finally do get to conference with the Senate.

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

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

Mr. Speaker, the American people, through the election process, made

sure in 1994 that this Congress would take a hard look at the impact of regulations on itself, the American people. We have known for a long time, and so have the American people, that the Congress passes a statute with good intentions, and then all of a sudden it is put into the hands of the agencies to implement that statute. And what happens? They issue regulations that seem absolutely foreign and almost contrary many times to the intent of the Congress.

So for decade after decade, these regulations impacted against the American people, and they had no recourse, not did the Members of Congress, except to repeal or try to do something on the floor to deal with that problem by itself. That did not work. So now with the Contract With America, where we promised regulatory reform, we brought about a House vehicle which declared a moratorium which said let us stop, look and listen and see what has happened over the years with this regulatory process. Let us put a moratorium on it and now determine which way we should approach the new dawn, the new era, of how the Congress will make statutes and the regulators will react to that.

Well, that is a pretty good idea, we felt. But the Senate now goes the other way. The Senate in its proposal, the one which we hope to reject here today, says once we pass a statute we ought to be involved on every single regulation that the bureaucrats promulgate, which is almost an impossible task, because they build into their proposal a kind of legislative veto which requires the Congress to look at every single regulation as if it were a separate statute.

That is going to the extreme from the original position where the Congress had no control at all. Now it has to micromanage every single regulation. What we offer here in rejecting the Senate proposal and adopting our own language is an overview of the regulatory process, with the ability to some day be able to command the bureaus to look at it very closely, give us an analysis, try to determine the cost effectiveness, see what impact it will have on the American people, and then promulgate that regulation. That is what we are trying to do.

The Senate bill puts us all as micromanagers. The House bill is a reasonable approach to give the American people some safety valve from the oppressive hand of the regulators by allowing this stop, look and listen gap that we are proposing, and then a cost and effectiveness type of analysis oversight on regulations, which is sure to make life more comfortable for all Americans.

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

Mr. CLINGER. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Indiana [Mr. MCINTOSH], a principal author of the House version of the moratorium.

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, as the gentlemen from Pennsylvania, Mr. GEKAS and Mr. CLINGER, have pointed out, there are some fundamental differences between the House and the Senate version of this bill, and there are meritorious arguments in terms of actually putting a 45-day delay on regulations. But I think, unfortunately, the original text of S. 219 neglects some very serious problems that have come up in our regulatory process. When I go home to my district in Muncie and Anderson, IN, people talk to me and say, David, we need to make sure that what you all have done in the House of Representatives continues to go forward and do not cave in to the forces back in Washington who are trying to derail your efforts to cut back on unnecessary regulations.

Our subcommittee held a field hearing in which we had dozens of people talk to us about regulatory problems that were crippling their businesses, causing the loss of jobs, and forcing our economy to be less competitive.

Specifically, since last November the Clinton administration has issued several hundred regulations, and there are 30 of them that our subcommittee has identified that create serious problems for our economy. I think it is important that we move from the abstract and look at what these real problems are and why we need to put a moratorium so that these regulations can be reviewed under the new cost-benefit and risk assessment standards.

□ 1130

One of them is the OSHA ergonomics rule, which has not been promulgated, but the Department of Labor has indicated that in spite of what this House may do, they intend to move forward with it. This could cost us $3.1 billion each year in unnecessary regulatory costs. There is the California Federal implementation plan, which would shut down many sectors of the California economy, would affect everything from flights going into Los Angeles Airport to lawnmowers, to people's jobs, will cost between $4 and $6 billion, with a possible job loss of 165,000 jobs in the State of California alone.

There is the Great Lakes clean water quality guidelines. I want to say, as somebody from a Great Lakes State, we all want to see clean water and we want to see the Great Lakes cleaned up. But this regulation will cost us jobs once again, approximately 33,000 jobs in the Midwest alone and another 2 billion in economic cost to the economy. There is the clean air permitting rule, which will cost billions of dollars in unnecessary red tape and get you exactly zero benefits in terms of additional clean air.

This regulation we do not need in the economy. It has been promulgated by the administration. It needs to be subject to the moratorium so it can go through the review process and be changed so that we do not tie our own hands behind our backs.

The list goes on and on. There are the endangered species listing where the Interior Department indicates that they have 4,000 new species they want to add to the list of endangered species, including the eastern wood rat, the Lake Huron locust and the pee clam. The problem with this is that it will cost us, once again, jobs. It will cause us to be impeded in our economy, and we need to have some common sense applied to these regulations.

Mr. Speaker, I have an entire list here that I would like to put into the RECORD of important serious rule makings that need to be put into the moratorium. Just yesterday Governor Larry Lindsey of the Federal Reserve Board conducted a seminar with people who are working in the inner city to try to rebuild dilapidated housing so that poor people and middle income families can have a hope to own their own home. We asked them, what is your major problem with going forward in these efforts in the inner city? They said, Federal regulations.

They pointed to dozens of rules that make it harder, more costly for them to actually make these differences for people. And they asked us in Congress to move forward in cutting back on that unnecessary red tape.

Let us step back and look at the larger picture. I think what we have accomplished in the House of Representatives was a bipartisan vote, strong support on both sides of the aisle, definitely sent a message to the bureaucracies, it is not business as usual. We have to end the endless red tape and regulation that have been strangling our economy. And when I go home people tell me, we want to see this Congress go forward. We are worried that the other body is going to drag its feet and that you are not going to get these reforms through.

What we are doing today is sending a message. We cannot accept the status quo. We have to move these reforms forward. It is imperative that we implement them for the American people.

They are counting on this House of Representatives to change the way Washington operates, cut back on unnecessary red tape, and move forward with this moratorium, with the cost-benefit and risk assessment legislation, with protection for property rights, that fundamentally do change the way we do business here, making the Government, once again, responsive to the American people.

Mr. Speaker, I commend the gentleman's efforts in leading this forward and look forward to the efforts in moving it toward a conference so that we can go back home and report to the American people we have done what you sent us here to do.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, my grandfather used to say common sense is not all that common. I think the previous speaker has shown why common sense is not always that common.

As I look at the regulatory reform issue, there are really three different camps in Congress. There is the camp that does not want to see any regulatory reform at all. That is a minority. I do not think there are many people here who believe that.

Then there is the camp that is basically along with the Senate and says, let us have true regulatory reform and let us allow Congress to look at those regulations that are too burdensome, that go too far, that contradict the intent of Congress.

The gentleman who spoke before went through a litany of regulations that he thinks go too far. I think we in Congress should address those issues. We should look at them right now and decide whether they have gone too far and, if they have, we should reverse the agency action.

Then there is the third camp. The third camp is interested in playing politics, and that is the version that has gone from the House of Representatives.

Picture yourself as the President of the United States. You are handed a bill that says for the next 11 months, your agencies, your executive agencies, the people that you have hired can no longer issue any regulations. I do not care if you are a Democrat, I do not care if you are Republican, I do not care if you are Ross Perot, you are going to say no. I am not going to tie the hands of my agencies. I am going to veto that bill.

And you would be crazy if you did not. If you are Republican or Democrat or Ross Perot, you would be crazy if you did not veto that bill. So let us just assume in the fantasy world, the Alice in Wonderland world that this bill got to President Clinton. He would veto it tomorrow.

So the previous speaker who talked about all these burdensome regulations that he is concerned about is not going to get anywhere. He will be able to play politics by saying all bureaucrats are bad, but he is not going to move forward with the goal of getting rid of regulations that are too burdensome to the American people.

I want to get rid of regulations that are too burdensome to the American people. The Senate has come up with a perfect vehicle for us to do that.

I come from the State of Wisconsin where we have legislative review of administrative rules. It works very, very well. If an agency goes too far, the legislature then will review those regulations, not all regulations, just the ones that it thinks are too burdensome and it will reverse the agency action. If we want to deal with this problem, that is how we deal with the problem. We do not take an absurd bill that is being passed only for political purposes, that every single person in this Chamber knows that the President would veto and try to move it forward. That does not accomplish anything. All it does is it scores political points.

What can we do? We can do what the Senate did. We can say that agencies pass rules, they come back here. That way the different concerns that were raised by burdensome regulation we can look at. At the same time, very good regulations, like the ones dealing Cryptosporidium from my area, if we did it that way, at the same time we would be able to have agencies move forward with Cryptosporidium research, E. coli bacteria research, rules on those and save people's lives, help American people and still stop the regulations that need to be stopped. Let us do the right thing and go along with the Senate.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY], the deputy majority leader, alias the whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me and elevating me and promoting me. I appreciate bringing this bill to the floor.

Mr. Speaker, H.R. 450 has developed a very long history. In December 1994, the Republican leadership sent a letter to the President asking him to issue a moratorium on Federal regulations in order for the new Congress to institute these long-needed regulatory reforms. The President refused.

In January, I introduced H.R. 450, instituting that moratorium that the President refused to issue on his own. And in February, the House passed H.R. 450 with a very strong majority vote and sent it to the Senate for its consideration.

The Senate has chosen to take a different approach, passing a bill which allows Congress to review and disapprove regulations under an expedited procedure.

In light of the differences between those two bills, we are now sending H.R. 450 back to the Senate and encourage the Senate to work with us to come to an acceptable compromise.

H.R. 450 had very broad support from both Members and from the public at large. It responds to the serious cry from the American people to reduce the burden of government. This bill puts a hold on the incredible flow of regulation since November 20 so that the regulatory reforms passed by the Congress will apply to those regulations.

I might say to the previous speaker, most of the horror stories that he spoke about, Mr. Speaker, are taken care of with the health and safety exemption in our bill. Anything that has to do with health and safety, the President himself can exempt from the moratorium.

Actually, the bill itself puts the President in charge, even though he does not choose to be in charge. We give it all to the President, and there is a procedure set up whereby the President on his own initiative under certain conditions can exempt these, any regulations he deems necessary that affects the health and safety of the American people from the moratorium called for in this bill.

All the scare tactics, all the fear mongering that is going on about regulations and how we are going to kill children and throw the senior citizens out in the street are totally false, particularly if you have any confidence at all in this President, in his ability to use the bill to exempt certain regulations from the moratorium.

So I ask the Members to support striking the language of S. 219 and sending H.R. 450 to the Senate today so that we can get a bill to the President's desk soon.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very valued member of the committee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of this motion this morning on H.R. 450. I think that I should respond just briefly to some of the comments made a few moments ago by the gentleman from Wisconsin.

I would remind him and other Members that this bill passed out of the House by almost a two-to-one margin, after 10 hours of open debate. There were lots of amendments offered. Some of those amendments were accepted. And I think to say that this is purely a political ploy, I think is a disservice to this entire House, because I think the gentleman from Pennsylvania [Mr. CLINGER] and the other members who worked so hard on this, particularly the gentleman from Indiana [Mr. MCINTOSH] of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did an excellent job under open rules, allowing everyone to participate. and I think to say that this was not fair is really a disservice to all of us.

I think the message that should be going out from this Congress is that the status quo does not live here anymore. In fact, I am happy to be a member of the Committee on Government Reform and Oversight and the McIntosh subcommittee because one of the most troubling things that I heard coming to the Congress this year was that in the past this Congress has not lived up to its oversight responsibilities. I think this is one way of saying that we are not going to permit the agencies out there to just go off on their own and pass these rules ad infinitum.

We have had a number of field hearings. We have had a number of town meetings, I have. And at virtually every one of the town meetings I have had I have heard about the needless regulation that is coming out of Washington.

We had a hearing and the gentleman from Minnesota [Mr. PETERSON] joined

us in Indianapolis about a month ago. And it was interesting because at that meeting we heard from the publisher of the largest newspaper in the State of Indiana and we heard from the president of the University of Indiana. And they were both saying, please do something about this regulatory burden that we have to live under.

I made the comment then and I would share it today that I think we finally have reached the critical mass because we have both the media and academia saying uncle. At all of our town meetings we hear from small business people and particularly farmers who are saying, we need a time out. And that is what really this bill is all about.

Let me just finally say that I think the message we are trying to send from this House today to our colleagues at the other end of the building, that you have dropped the ball and we are going to give you a chance to recovery your fumble.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

As I said, I did not think we needed to debate this bill, but I think we need to clear up a couple of things.

The coalition and many other Democrats were proud to support this piece of legislation. I think that some of the claims that were made by some of my colleagues on this side of the aisle may have been valid as we looked at the original bill. But in our judgment it is not valid, and I really want to associate myself with the remarks of the previous two speakers, the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Texas [Mr. DELAY], in the final bill.

□ 1145

We have taken care of the concerns that people had about this bill. The President has the ability to exempt regulations that he feels need to go ahead. This claim that the agencies are going to be stopped dead from doing any regulatory process is not true. I think the gentleman from Texas [Mr. DELAY] said it very clearly. Unless we do not believe that the President of the United States is going to do the right thing, this bill is not the kind of extreme bill that some people have laid out.

I just want to make the point that many of us on this side of the aisle support this piece of legislation, and we ask people to look at the final product, because it is very different than the bill that was originally introduced.

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

Mr. CLINGER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG], a very valuable and hardworking member of the committee.

Mr. SHADEGG. Mr. Speaker, I rise in support of the motion to substitute the language of H.R. 50 for S. 219.

H.R. 450, the Regulatory Reform Transition Act, passed this body overwhelmingly. It is not an extreme measure.

In the debate in the other body on this measure, one of our colleagues said, and I quote, ''Our system of government is working.'' With respect to the regulatory system in America, my colleague's claim could not be further from the truth. He is simply wrong. The regulatory burden we are imposing willy-nilly on American businesses and American citizens is in excess. It is doing severe damage to our economy, and it is time to stop it. We need to subject, Mr. Speaker, all regulations to a risk assessment and to a cost-benefit analysis. That is the substantive review we are seeking. That is what this legislation will do.

The time to begin subjecting new regulations to that type of analysis, cost-benefit and risk assessment, is now. That is what H.R. 450 will do. The moratorium simply says there will be a time out, and that we will have that time period during which to pass substantive regulatory review, reform, and then to subject those regulations now going through that process to that substantive review.

Mr. Speaker, I would like to respond to several remarks on the other side. Some of my colleagues have risen to say that this is an extreme measure, and that the Senate measure is a good alternative. That is simply incorrect, because the Senate measure is different. It does not achieve the same goal. I myself support the notion of legislative review of regulatory matters. If, indeed, a regulatory proceeding is extreme and the regulation should be suspended, that is fine. However, that is not what this legislation accomplishes. This legislation says it is known and indisputable in America that the regulatory system is out of control. That is not necessarily true only 90 or 100 or 120 days from now. The regulatory system is out of control now.

When we enact substantive review, which requires cost-benefit and risk assessment analysis, we ought to apply that to all of the regulations that are currently going through.

My colleague, the gentleman from Indiana [Mr. MCINTOSH], recognized there are thousands of regulations going through at this time. They should be subjected to this review. I urge support of the motion.

Mr. CLINGER. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH], a very thoughtful freshman member of our committee.

(Mr. EHRLICH asked and was given permission to revise and extend his remarks.)

Mr. EHRLICH. Mr. Speaker, I also want to congratulate the chairman of the full committee, the chairman of the subcommittee, and the gentleman from Minnesota [Mr. PETERSON], for his great leadership on this issue.

Mr. Speaker, a new generation arrived in Congress this year. That generation promised to deliver with respect to the Contract With America. A critical part of that contract is regulatory reform. Mr. Speaker, we hear so much out there during election years that people are for the family and they are against crime and for the small business person in this country, but the fact is, Mr. Speaker, this is where the rubber meets the road on the floor of the House. Reg reform and H.R. 450 are truly where the rubber emets the road.

Mr. Speaker, when I was campaigning I would actually stop into strip shopping malls to talk to small business owners. I thought I would hear problems and concerns about the legal environment in the State of Maryland, or the unavailability of capital, or employee problems, but time and time again, by far the predominant concern I heard from the small business community was the burden of Federal regulation on small business.

Mr. Speaker, it is not radical in this day and age to say stop, which is what this bill does. It is not radical to look at what we have done, to inventory what we have done, to stop promulgating Federal regulations before we use good science, before we use cost-benefit analysis, and before we use risk assessment.

Mr. Speaker, it has already been said time and time again on this floor that exceptions apply within the context of this bill for emergency, health, and safety regulations. Mr. Speaker, the bottom line of H.R. 450, the bottom line to regulatory reform in this Congress, is returning a sense of common sense to the way we promulgate regulations in this country today. That is what H.R. 450 is all about. That is what the Contract With America is all about.

To my friend, the gentleman from Wisconsin, who characterized this bill as politics, to the extent that this majority, this majority, this nonpartisan majority is responding to consumers and the small business community in this country, that truly is politics in the best tradition of this House.

Mr. CLINGER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the point needs to be made very strongly that this is a bipartisan bill. This is not a partisan measure. This measure passed the House on February 24 by a vote of 276 to 146. There was a strong bipartisan support for that measure, as there has been for all of the measures dealing with regulatory reform.

It is very clear, I think, that the American people want regulatory reform. This is part of an overall piece, an overall package we are putting together to accomplish what the American people want. We need to go to conference. We need to get this bill enacted into law, and we need to send it to the President.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume, simply to echo the sentiments of my colleague, the gentleman from Pennsylvania. What we are talking about here is dealing with regulations, not allowing regulations to deal with us. The House version allows us to deal with those regulations. The Senate version permits the regulatory process to overwhelm us, which it now does, and which we are trying to rectify.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. TATE].

(Mr. TATE asked and was given permission to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, I, too, want to lend my support to this proposal as it passed the House, and I commend the chairman of the Committee on Government Reform and Oversight and the subcommittee chairman, the gentleman from Indiana [Mr. MCINTOSH].

Recently a survey from the National Federation of Independent Businesses went out and surveyed their membership as to what was their concern. Taxes and health care were a concern, but the No. 1 concern and threat to small business in this country is regulations.

I had my local Chamber of Commerce from Takoma here recently. They were talking about the issues that concern them, but the one that came up the most, whether they were in banking or they had a local grocery store or whatever, was regulations. One aspect of this particular bill that was added on in the amendatory process when we were on the floor, was the Tate amendment, which extended the moratorium for businesses that have 100 or less employees an additional 6 months, because those are the people that are the most affected when new regulations are passed. Those are the people that are on the margin, that may be in business or may not be in business based on a new regulation.

This is a sound bill, Mr. Speaker. It is really common sense. It is time that we pass some real regulatory relief. Once again, I commend this to the House, and look forward to a strong bipartisan support for this when it passes.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to commend the gentlemen for their good work, and hope that we can get this to conference, and talk some sense into the other body. Unfortunately, they appear to be somewhat in the capture of the bureaucracy and the status quo. Hopefully, if we cannot get the entire moratorium through, maybe we can get some specific items in the moratorium through on the Senate side. Again, I commend everyone and urge support of this motion.

Mr. Speaker, I have no further Members wishing to speak, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). No one from the minority of the House Committee on the Judiciary having presented themselves to claim the time of that committee, the Chair assumes that time is also yielded back. All time has expired.

Pursuant to the order of the House, the previous question is ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The motion was agreed to.

The text of the Senate bill, S. 219, is as follows:

S. 219

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

TITLE I—REGULATORY TRANSITION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 102. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 103. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of Public Law 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of Public Law 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 104(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subparagraph (B) (i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under paragraph (2)(A) of this section.

(3) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 104 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 104 is enacted).

(4) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(5) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (3), the effective date of a rule shall not be delayed by operation of this title beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 104.

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 104.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this title may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 104 or the effect of a joint resolution of disapproval under this section.

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this title, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 104 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 104.—

(A) In applying section 104 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as

a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 104 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 104.—In applying section 104 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 104.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 104 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 104, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 104. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ''joint resolution'' means only a joint resolution introduced during the period beginning on the date on which the report referred to in section 103(a) is received by Congress and ending 45 days thereafter, the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.''. (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term ''submission or publication date'' means the later of the date on which—

(A) the Congress receives the report submitted under section 103(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 105. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 104, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 103(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 106. DEFINITIONS.

For purposes of this title—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.

(3) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

SEC. 107. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 108. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This title shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this title, or the application of any provision of this title to any person or circumstance, is

held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 109. EXEMPTION FOR MONETARY POLICY.

Nothing in this title shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 110. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and shall apply to any rule that takes effect as a final rule on or after such effective date.

TITLE II—TERM GRAZING PERMITS

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this title as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, one of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this title is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 202. DEFINITIONS.

In this title:

(1) EXPIRING TERM GRAZING PERMIT.—The term ''expiring term grazing permit'' means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. 203. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 204. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 203(a) shall not be subject to administrative appeal or judicial review.

SEC. 205. REPEAL.

This title is repealed effective as of January 1, 2001.

TITLE III—GENERAL PROVISION

SEC. 301. SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

The text of the bill, H.R. 450, which is inserted in lieu of S. 219, pursuant to the foregoing motion, is as follows:

H.R. 450

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations, including enactment of a new law or laws to require (1)

that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights, and (2) for those Federal regulations that are subject to risk analysis and risk assessment that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures, will be promoted if a moratorium on new rulemaking actions is imposed and an inventory of such action is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—Until the end of the moratorium period, a Federal agency may not take any regulatory rulemaking action, unless an exception is provided under section 5. Beginning 30 days after the date of the enactment of this Act, the effectiveness of any regulatory rulemaking action taken or made effective during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium period, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKINGS.—Not later than 30 days after the date of the enactment of this Act, the President shall conduct an inventory and publish in the Federal Register a list of all regulatory rulemaking actions covered by subsection (a) taken or made effective during the moratorium period but before the date of the enactment.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any regulatory rulemaking actions authorized or required to be taken before the end of the moratorium period is extended for 5 months or until the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of the enactment of this Act, the President shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EMERGENCY EXCEPTIONS; EXCLUSIONS.

(a) EMERGENCY EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and submits a copy thereof to the appropriate committees of each House of the Congress;

(2) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds in writing that a waiver for the action is (A) necessary because of an imminent threat to health or safety or other emergency, or (B) necessary for the enforcement of criminal laws; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

(b) EXCLUSIONS.—The head of an agency shall publish in the Federal Register any action excluded because of a certification under section 6(3)(B).

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status except such rulemaking actions that establish, lead to, or otherwise rely on the use of a quota or preference based on age, race, religion, gender, national origin, or handicapped or disability status''.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any agency as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term ''moratorium period'' means the period of time—

(A) beginning November 20, 1994; and

(B) ending on the earlier of—

(i) the first date on which there have been enacted one or more laws that—

(I) require that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights; and

(II) for those Federal regulations that are subject to risk analysis and risk assessment, require that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures; or

(ii) December 31, 1995.

except that in the case of a regulatory rulemaking action with respect to determining that a species is an endangered species or a threatened species under section 4(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(1)) or designating critical habitat under section 4(a)(3) of that Act (16 U.S.C. 1533(a)(3)), the term means the period of time beginning on the date described in subparagraph (A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out the Endangered Species Act of 1973, or December 31, 1996.

(3) REGULATORY RULEMAKING ACTION.—

(A) IN GENERAL.—The term ''regulatory rulemaking action'' means any rulemaking on any rule normally published in the Federal Register, including—

(i) the issuance of any substantive rule, interpretative rule, statement of agency policy, notice of inquiry, advance notice of proposed rulemaking, or notice of proposed rulemaking, and

(ii) any other action taken in the course of the process of rulemaking (except a cost benefit analysis or risk assessment, or both).

(B) EXCLUSIONS.—The term ''regulatory rulemaking action'' does not include—

(i) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens;

(ii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to matters relating to military or foreign affairs functions, statutes implementing international trade agreements, including all agency actions required by the Uruguay Round Agreements Act, or agency management, personnel, or public property, loans, grants, benefits, or contracts;

(iii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to a routine administrative function of the agency;

(iv) any agency action that—

(I) is taken by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; and

(II) the head of the agency certifies would meet the standards for an exception or exclusion described in this Act; or

(v) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

(4) RULE.—The term ''rule'' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term does not include the approval or prescription, on a case-by-case or consolidated case basis, for the future of rates, wages, corporation, or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor, or of valuations, costs, or accounting, or practices bearing on any of the foregoing, nor does it include any action taken in connection with the safety of aviation or any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds. Such term also does not include the granting an application for a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction (including any agency which establishes, modifies, or conducts a regulatory program for a recreational or subsistence activity, including but not limited to hunting, fishing, and camping, if a Federal law prohibits the recreational or subsistence activity in the absence of the agency action) or taking any action necessary to permit new or improved applications of technology or allow the manufacture, distribution, sale, or use of a substance or product.

(5) RULEMAKING.—The term ''rulemaking'' means agency process for formulating, amending, or repealing a rule.

(6) LICENSE.—The term ''license'' means the whole or part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

(7) IMMINENT THREAT TO HEALTH OR SAFETY.—The term ''imminent threat to health or safety'' means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period.

SEC. 7. LIMITATION ON CIVIL ACTIONS.

No private right of action may be brought against any Federal agency for a violation of this Act. This prohibition shall not affect any private right of action or remedy otherwise available under any other law.

SEC. 8. RELATIONSHIP TO OTHER LAW; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. REGULATIONS TO AID BUSINESS COMPETITIVENESS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

(7) WIDE-AREA SPECIALIZED MOBILE RADIO LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGES.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

SEC. 10. DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) DELAY EFFECTIVENESS.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small businesses may not occur before six months after the end of the moratorium period.

(b) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' means any business with 100 or fewer employees.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 148 was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHADEGG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 41, answered ''present'' 1, not voting 20, as follows:

[Roll No. 338]

YEAS—372

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—41

Abercrombie
Brown (CA)
Clay
Crane
Durbin
Fazio
Filner
Gephardt
Gibbons
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Jacobs
Kennedy (MA)
Levin
Lewis (GA)
Lowey
McNulty
Menendez
Mfume
Miller (CA)
Mineta
Pickett
Pombo
Rahall
Rush
Sabo
Schroeder
Scott
Shays
Stark
Stockman
Stokes
Taylor (MS)
Thompson
Volkmer
Waters
Yates

ANSWERED ''PRESENT''—1

Harman