

endar day during which that House is in session."

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and"

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to section 1013 through 1017 as items relating to section 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions."

SEC. 3. APPLICATION.

(a) IN GENERAL.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (f) of such section) that are enacted during the One Hundred Third Congress.

(b) SPECIAL TRANSITION RULE.—Within 3 calendar days after the beginning of the One Hundred Fourth Congress, the President may retransmit a special message, in the manner provided in section 1013(b) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2), proposing to rescind only those amounts of budget authority that were contained in any special message to the One Hundred Third Congress which that Congress failed to consider because of its sine die adjournment before the close of the time period set forth in such section 1013 for consideration of those proposed rescissions. A draft bill shall accompany that special message that, if enacted, would only rescind that budget authority. Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the

third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill. The House of Representatives and the Senate shall proceed to consider that bill in the manner provided in such section 1013.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate 2 years after the date of enactment of this Act.

SEC. 5. 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 section 1013 (as added by section 2) 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 SPEAKER announced that the yeas had it.

Mr. WALKER demanded a recorded vote on agreeing to said amendment, 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 ..... 248 Nays ..... 163

47.10 [Roll No. 148] AYES—248

Table listing names of members voting 'AYES' including Abercrombie, Ackerman, Andrews (ME), Andrews (TX), Bacchus (FL), Baesler, Barcia, Barlow, Barrett (WI), Beilenson, Bevill, Bilbray, Bishop, Blackwell, Blute, Boehlert, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Cantwell, Carr, Chapman, Clay, Clayton, Clement, Clyburn, Coleman, Collins (GA)

Table listing names of members voting 'NAYS' including Collins (IL), Collins (MI), Condit, Conyers, Cooper, Coppersmith, Costello, Coyne, Cramer, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, DeLay, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Durbin, Edwards (CA), Edwards (TX), Emerson, Engel, English (AZ), English (OK), Eshoo, Fawell, Fazio, Fields (LA), Fingerhut, Flake, Foley, Ford (MI), Ford (TN), Frank (MA), Frost, Furse, Gejdenson, Gephardt, Geren, Gibbons, Glickman, Gonzalez, Gordon, Grandy, Green, Gutierrez, Hall (OH), Hall (TX), Hamburg, Hamilton, Harman, Hastings, Hayes, Hefner, Hilliard, Hinchey, Hoagland, Hobson, Hochbrueckner, Holden, Hoyer, Hughes, Hutto, Inslee, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E.B., Johnston, Kanjorski, Kaptur, Kennelly, Kildee, Kleczka, Klink, Kopetski, Kreidler, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Levin, Lewis (GA), Lightfoot, Lipinski, Livingston, Lloyd, Long, Lowey, Maloney, Mann, Manton, Margolies-Mezvinsky, Markey, Matsui, Mazzoli, McCloskey, McCrery, McCurdy, McDermott, McHale, McKeon, McKinney, McNulty, Meehan, Meek, Menendez, Meyers, Mfume, Miller (CA), Mineta, Moakley, Mollohan, Montgomery, Moran, Murphy, Murtha, Nadler, Natcher, Neal (MA), Neal (NC), Oberstar, Obey, Olver, Orton, Owens, Parker, Pastor, Payne (NJ), Payne (VA), Pelosi, Penny, Peterson (FL), Peterson (MN), Pickle, Pomeroy, Poshard, Price (NC), Quinn, Rahall, Rangel, Regula, Reynolds, Richardson, Roberts, Roemer, Rose, Rostenkowski, Roukema, Rowland, Rush, Sabo, Sangmeister, Sarpalius, Sawyer, Schenk, Schroeder, Schumer, Scott, Sharp, Shays, Shepherd, Sisisky, Skaggs, Skelton, Slattery, Slaughter, Smith (IA), Smith (OR), Snowe, Spratt, Stark, Stenholm, Stokes, Strickland, Studds, Stupak, Sweet, Swift, Tanner, Tauzin, Taylor (MS), Thompson, Thornton, Thurman, Torkildsen, Tucker, Unsoeld, Valentine, Velazquez, Viscolsky, Volkmer, Vucanovich, Watt, Whitten, Williams, Wilson, Wise, Wyden, Wynn, Yates, Zimmer

NOES—163

Table listing names of members voting 'NOES' including Allard, Andrews (NJ), Applegate, Archer, Armye, Bachus (AL), Baker (CA), Baker (LA), Ballenger, Barrett (NE), Bartlett, Bateman, Bentley, Bereuter, Bilirakis, Bliley, Boehner, Bonilla, Bunning, Burton, Buyer, Callahan, Camp, Canady, Cardin, Castle, Clinger, Coble, Combust, Cox, Crane, Crapo, Cunningham, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Evans, Everett, Ewing, Filner, Fish, Fowler, Franks (CT), Franks (NJ), Gallegly, Gallo, Gekas, Gilchrest, Gillmor, Gilman, Gingrich, Goodlatte, Goodling, Goss, Grams, Greenwood, Gunderson, Hancock, Hansen, Hastert, Hefley, Herger, Hoekstra, Hoke, Horn, Houghton, Huffington, Hunter, Hutchinson, Hyde, Inglis, Inhofe, Istook, Johnson, Sam, Kasich, Kim, King

Kingston	Morella	Skeen	Bunning	Hastert	Packard	Mazzoli	Peterson (FL)	Stark
Klein	Myers	Smith (MI)	Burton	Hayes	Parker	McCloskey	Peterson (MN)	Stenholm
Klug	Nussle	Smith (NJ)	Buyer	Hefley	Paxon	McCurdy	Pickett	Stokes
Knollenberg	Oxley	Smith (TX)	Callahan	Herger	Petri	McDermott	Pickle	Strickland
Kolbe	Packard	Solomon	Camp	Hobson	Pombo	McHale	Pomeroy	Studds
Kyl	Pallone	Spence	Canady	Hoekstra	Porter	McKinney	Poshard	Stupak
Lazio	Paxon	Stearns	Cantwell	Hoke	Pryce (OH)	McNulty	Price (NC)	Sweet
Leach	Petri	Stump	Cardin	Horn	Quinn	Meehan	Rahall	Swift
Levy	Pombo	Sundquist	Castle	Houghton	Ramstad	Meek	Rangel	Synar
Lewis (CA)	Porter	Synar	Clinger	Huffington	Ravenel	Menendez	Reed	Tanner
Lewis (FL)	Pryce (OH)	Talent	Coble	Hunter	Regula	Mfume	Reynolds	Taylor (MS)
Linder	Ramstad	Taylor (NC)	Collins (GA)	Hutchinson	Ridge	Miller (CA)	Richardson	Tejeda
Machtley	Ravenel	Tejeda	Combest	Hyde	Roberts	Mineta	Roemer	Thompson
Manzullo	Reed	Thomas (CA)	Condit	Inglis	Rogers	Mink	Rose	Thornton
Martinez	Ridge	Torricelli	Cooper	Inhofe	Rohrabacher	Moakley	Rostenkowski	Thurman
McCandless	Rogers	Traficant	Coppersmith	Istook	Ros-Lehtinen	Mollohan	Rowland	Torricelli
McCollum	Rohrabacher	Upton	Cox	Johnson (CT)	Roth	Montgomery	Rush	Traficant
McDade	Ros-Lehtinen	Walker	Crane	Johnson, Sam	Roukema	Moran	Sabo	Tucker
McHugh	Roth	Walsh	Crapo	Kasich	Royce	Murphy	Sanders	Unsoeld
McInnis	Royce	Waters	Cunningham	Kim	Santorum	Murtha	Sangmeister	Valentine
McMillan	Sanders	Weldon	DeLay	King	Saxton	Nadler	Sarpalious	Velazquez
Mica	Santorum	Wolf	Diaz-Balart	Kingston	Schaefer	Natcher	Sawyer	Vento
Michel	Saxton	Woolsey	Dickey	Klug	Schiff	Neal (MA)	Schenk	Visclosky
Miller (FL)	Schaefer	Young (AK)	Doolittle	Knollenberg	Sensenbrenner	Neal (NC)	Schroeder	Volkmer
Minge	Schiff	Young (FL)	Dornan	Kolbe	Shaw	Oberstar	Schumer	Waters
Mink	Sensenbrenner	Zeliff	Dreier	Kyl	Shays	Oliver	Scott	Watt
Molinari	Shaw		Duncan	Lazio	Shuster	Orton	Sharp	Waxman
Moorhead	Shuster		Dunn	Leach	Skeen	Owens	Shepherd	Whitten
			Emerson	Levy	Smith (MI)	Pallone	Sisisky	Williams
			Everett	Lewis (CA)	Smith (NJ)	Pastor	Skaggs	Wilson
			Ewing	Lewis (FL)	Smith (OR)	Payne (NJ)	Skelton	Wise
			Fawell	Lightfoot	Smith (TX)	Payne (VA)	Slattery	Woolsey
			Fish	Linder	Snowe	Pelosi	Slaughter	Wyden
			Fowler	Livingston	Solomon	Penny	Smith (IA)	Wynn
			Franks (CT)	Machtley	Spence		Spratt	Yates
			Franks (NJ)	Manzullo	Stearns			
			Gallegly	McCandless	Stump			
			Gallo	McCollum	Sundquist			
			Gekas	McCrery	Talent			
			Geren	McDade	Tauzin			
			Gibbons	McHugh	Taylor (NC)			
			Gilchrist	McInnis	Thomas (CA)			
			Gillmore	McKeon	Thomas (WY)			
			Gillman	McMillan	Torkildsen			
			Gingrich	Meyers	Upton			
			Goodlatte	Mica	Vucanovich			
			Goodling	Michel	Walker			
			Goss	Miller (FL)	Walsh			
			Grams	Minge	Weldon			
			Grandy	Molinari	Wolf			
			Greenwood	Moorhead	Young (AK)			
			Gunderson	Morella	Young (FL)			
			Hall (TX)	Myers	Zeliff			
			Hancock	Nussle	Zimmer			
			Hansen	Oxley				

NOT VOTING—21

Barton	Henry	Thomas (WY)
Becerra	Kennedy	Torres
Berman	Ortiz	Towns
Calvert	Pickett	Vento
Dellums	Quillen	Washington
Fields (TX)	Royal-Allard	Waxman
Foglietta	Serrano	Wheat

So the amendment in the nature of a substitute was agreed to.

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

Mr. CLINGER moved to recommit the bill to the Committee on Rules with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 2(b) of the bill and substitute the following:

“(b) EXERCISE OF RULEMAKING POWERS.—(1) The provisions of the Act, insofar as they affect the procedures of either House, may only be waived, changed or suspended by statutory enactment or by a vote of three-fifths of the Members of the House involved, a quorum being present.

“(2) It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this Act under a suspension of the rules or under a special rule.”.

After debate,

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

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER announced that the nays had it.

Mr. CLINGER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 182 negative ..... } Nays ..... 233

¶47.11 [Roll No. 149] AYES—182

Allard	Ballenger	Bilirakis
Archer	Barrett (NE)	Bliley
Armey	Bartlett	Blute
Bachus (AL)	Bateman	Boehmert
Baker (CA)	Bentley	Boehner
Baker (LA)	Bereuter	Bonilla

NOES—233

Abercrombie	Deal	Hoagland
Ackerman	DeFazio	Hochbrueckner
Andrews (ME)	DeLauro	Holden
Andrews (NJ)	Derrick	Hoyer
Andrews (TX)	Deutsch	Hughes
Applegate	Dicks	Hutto
Bacchus (FL)	Dingell	Inslee
Baesler	Dixon	Jacobs
Barcia	Dooley	Jefferson
Barlow	Durbin	Johnson (GA)
Barrett (WI)	Edwards (CA)	Johnson (SD)
Beilenson	Edwards (TX)	Johnson, E. B.
Bilbray	Engel	Johnston
Bishop	English (AZ)	Kanjorski
Blackwell	English (OK)	Kaptur
Bonior	Eshoo	Kennelly
Borski	Evans	Kildee
Boucher	Fazio	Kleczka
Brewster	Fields (LA)	Klein
Brooks	Filner	Klink
Browder	Fingerhut	Kopetski
Brown (CA)	Flake	Kreidler
Brown (FL)	Foley	LaFalce
Brown (OH)	Ford (MI)	Lambert
Bryant	Ford (TN)	Lancaster
Byrne	Frank (MA)	Lantos
Carr	Frost	LaRocco
Chapman	Furse	Laughlin
Clay	Gejdenson	Lehman
Clayton	Gephardt	Levin
Clement	Glickman	Lewis (GA)
Clyburn	Gonzalez	Lipinski
Coleman	Gordon	Lloyd
Collins (IL)	Green	Long
Collins (MI)	Gutierrez	Lowe
Conyers	Hall (OH)	Maloney
Costello	Hamburg	Mann
Coyne	Hamilton	Manton
Cramer	Harman	Margolies-
Danner	Hastings	Mezvinsky
Darden	Hefner	Markey
de la Garza	Hilliard	Martinez
	Hinche	Matsui

NOT VOTING—17

Barton	Foglietta	Serrano
Becerra	Henry	Torres
Berman	Kennedy	Towns
Calvert	Ortiz	Washington
Dellums	Quillen	Wheat
Fields (TX)	Royal-Allard	

So the motion to recommit with instructions was not agreed to.

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

The SPEAKER announced that the yeas had it.

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

The vote was taken by electronic device.

It was decided in the { Yeas ..... 258 affirmative ..... } Nays ..... 157

¶47.12 [Roll No. 150] AYES—258

Ackerman	Castle	Fawell
Allard	Chapman	Fazio
Andrews (ME)	Clement	Fingerhut
Andrews (NJ)	Collins (GA)	Fish
Andrews (TX)	Condit	Foley
Bacchus (FL)	Conyers	Fowler
Bachus (AL)	Cooper	Frank (MA)
Baesler	Coppersmith	Franks (NJ)
Baker (LA)	Costello	Frost
Barcia	Cox	Furse
Barlow	Cramer	Gallo
Barrett (NE)	Crapo	Gejdenson
Barrett (WI)	Danner	Gekas
Bateman	Darden	Gephardt
Beilenson	de la Garza	Geren
Bereuter	Deal	Gibbons
Bevill	DeFazio	Glickman
Bilbray	DeLauro	Gonzalez
Bishop	Derrick	Goodlatte
Blute	Deutsch	Goodling
Boehmert	Dickey	Gordon
Bonilla	Dicks	Goss
Boucher	Dingell	Grams
Brewster	Dooley	Grandy
Browder	Duncan	Green
Brown (CA)	Dunn	Greenwood
Brown (OH)	Durbin	Gunderson
Bryant	Edwards (TX)	Gutierrez
Buyer	Emerson	Hall (OH)
Byrne	English (AZ)	Hall (TX)
Canady	English (OK)	Hamilton
Cantwell	Eshoo	Harman
Cardin	Ewing	Hastert