

for relief from a regulatory requirement, or other action relieving a restriction (including any agency action 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 SPEAKER pro tempore, Mr. WALKER, announced that the nays had it.

On a division demanded by Mr. CLINGER, there appeared, yeas—132, nays—91.

So the amendment was agreed to.

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

Mrs. COLLINS of Illinois, moved to recommit the bill to the Committee on Government Reform and Oversight with instructions to report the bill back to the House forthwith with the following amendment:

At the end of section 5, add the following new subsection:

(c) DRINKING WATER SAFETY.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of

this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

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 pro tempore, Mr. WALKER, announced that the nays had it.

Mrs. COLLINS of Illinois 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 172
negative Nays 250

32.16

[Roll No. 173]

AYES—172

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gutierrez | Owens |
| Ackerman | Hall (OH) | Pallone |
| Baldacci | Harman | Pastor |
| Barrett (WI) | Hastings (FL) | Payne (NJ) |
| Beilenson | Hefner | Pelosi |
| Bentsen | Hilliard | Peterson (FL) |
| Berman | Hinchey | Pomeroy |
| Bevill | Holden | Poshard |
| Bishop | Hoyer | Rahall |
| Boehlert | Jackson-Lee | Rangel |
| Bonior | Jacobs | Reed |
| Borski | Jefferson | Reynolds |
| Boucher | Johnson (SD) | Richardson |
| Brown (CA) | Johnson, E. B. | Rivers |
| Brown (FL) | Johnston | Rose |
| Brown (OH) | Kanjorski | Roukema |
| Bryant (TX) | Kennedy (MA) | Roybal-Allard |
| Cardin | Kennedy (RI) | Sabo |
| Chapman | Kennelly | Sanders |
| Clay | Kildee | Sawyer |
| Clayton | Klecza | Schroeder |
| Clement | Klink | Schumer |
| Clyburn | LaFalce | Scott |
| Coleman | Lantos | Serrano |
| Collins (IL) | Levin | Skaggs |
| Collins (MI) | Lewis (GA) | Skelton |
| Conyers | Lincoln | Slaughter |
| Coyne | Lipinski | Spratt |
| Danner | Lofgren | Stark |
| de la Garza | Lowe | Stokes |
| DeFazio | Luther | Studds |
| DeLauro | Maloney | Stupak |
| Dellums | Manton | Tanner |
| Deutsch | Markey | Tejeda |
| Dicks | Martinez | Thompson |
| Dingell | Mascara | Thornton |
| Dixon | Matsui | Thurman |
| Doggett | McDermott | Torres |
| Doyle | McHale | Torricelli |
| Durbin | McKinney | Towns |
| Engel | McNulty | Trafigant |
| Eshoo | Meehan | Tucker |
| Evans | Menendez | Velazquez |
| Farr | Mfume | Vento |
| Fattah | Miller (CA) | Visclosky |
| Fazio | Mineta | Volkmer |
| Fields (LA) | Minge | Ward |
| Filner | Mink | Waters |
| Flake | Moakley | Watt (NC) |
| Foglietta | Mollohan | Waxman |
| Ford | Moran | Williams |
| Frank (MA) | Morella | Wise |
| Frost | Murtha | Woolsey |
| Furse | Nadler | Wyden |
| Gejdenson | Neal | Wynn |
| Gephardt | Oberstar | Yates |
| Gordon | Obey | |
| Green | Olver | |

NOES—250

| | | |
|------------|--------------|-----------|
| Allard | Barcia | Bilirakis |
| Archer | Barr | Bliley |
| Armey | Barrett (NE) | Blute |
| Bachus | Bartlett | Boehner |
| Baesler | Bass | Bonilla |
| Baker (CA) | Bateman | Bono |
| Baker (LA) | Bereuter | Brewster |
| Ballenger | Bilbray | Browder |

Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combust
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrist
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)

NOT VOTING—12

Andrews
Barton
Becerra
Costello

Ehlers
Gibbons
Gonzalez
Kaptur

McCarthy
Meek
Ortiz
Rush

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 pro tempore, Mr. WALKER, announced that the yeas had it.

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

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 276
Nays 146

32.17 [Roll No. 174]

AYES—276

Allard
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Billbray
Billrakis
Billey
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combust
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly

NOES—146

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

NOT VOTING—13

Andrews
Barton
Becerra
Costello
Deutsch

Ehlers
Gibbons
Gonzalez
McCarthy
Meek

Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchev
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar

Obey
Oliver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Richards
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

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

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

32.18 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MINETA, by unanimous consent,

Ordered, That, the Clerk be authorized to make the following correction: "in Section 6(4), in the second sentence, after 'nor does it include', insert the following new clarifying words: 'any action taken in connection with the safety of aviation or'.

32.19 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. CLINGER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

32.20 PROVIDING FOR THE CONSIDERATION OF H.R. 1022

Mr. DIAZ-BALART, by direction of the Committee on Rules, reported (Rept. No. 104-51) the resolution (H. Res. 96) providing for the consideration of the bill (H.R. 1022) to provide regu-