

472. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod and pollock in the Gulf of Alaska [Docket No. 98122314-8321-02; I.D. 012099B] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

473. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore-Offshore Allocations of Pollock and Pacific Cod Total Allowable Catch; Inshore-Offshore Allocation of 1999 Interim Groundfish Specifications [Docket No. 981021263-9019-02; I.D. 090898D] (RIN: 0648-AK12) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

474. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99-7] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

475. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications and Additions to the Unified Partnership Audit Procedures [TD 8808] (RIN: 1545-AW23) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶8.3 MANDATES INFORMATION ACT OF 1999

The SPEAKER pro tempore, Mr. KINGSTON, pursuant to House Resolution 36 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. BRADY, Acting Chairman, assumed the chair; and after some time spent therein,

¶8.4 RECORDED VOTE

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

Page 5, lines 16 and 17, strike “425(a)(1)” each place it appears and insert “425(a)(1)(B)”.

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) “intergovernmental” after “Federal”;

(B) inserting in paragraph (1) “(A)” before “any” and by adding at the end the following new subparagraphs:

“(B) any bill or joint resolution that is reported by a committee, unless—

“(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

“(ii) all debate has been completed under section 427(b)(4); and

“(C) any amendment, motion, or conference report, unless—

“(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

“(ii) all debate has been completed under section 427(b)(4); and”.

Page 5, line 21, strike “(A)” and insert “(C)” and on line 24, strike “(B)” and insert “(D)”.

Page 6, line 2, insert “, according to the estimate prepared by the Director under section 424(b)(1),” before “would”.

Page 6, line 10, insert “unless all debate has been completed under section 427(b)(4),” after “exceeded”.

Page 7, line 1, strike “(A)” and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike “(7)” and insert “(8)” and after line 18, insert the following new paragraphs:

(6) TECHNICAL CHANGES.—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: “REGARDING FEDERAL INTERGOVERNMENTAL MANDATES”.

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” after “section 425” each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” before the period.

(7) FEDERAL PRIVATE SECTOR MANDATES.—(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section: “SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.

“(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

“(b) DISPOSITION OF POINTS OF ORDER.—

“(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

“(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

“(3) RULING OF THE CHAIR.—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

“(4) DEBATE AND INTERVENING MOTIONS.—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

“(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be consid-

ered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.”.

(B) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item relating to section 426 the following new item:

“Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates.”.

Page 7, line 20, strike “Section 427” and insert “Section 428 (as redesignated)”.

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking “subsection(a)(2)(B)(iii)” and inserting “subsection (a)(3)(B)(iii)”.

It was decided in the { Yeas ..... 210  
negative ..... } Nays ..... 216

¶8.5 [Roll No. 15]  
AYES—210

Abercrombie	Gephardt	Millender-
Ackerman	Gilchrest	McDonald
Allen	Gilman	Miller, George
Andrews	Gonzalez	Minge
Baird	Green (TX)	Mink
Baldacci	Greenwood	Moakley
Baldwin	Gutierrez	Moore
Barcia	Hall (OH)	Moran (VA)
Barrett (WI)	Hastings (FL)	Morella
Becerra	Hilliard	Nadler
Bentsen	Hinchey	Napolitano
Bereuter	Hinojosa	Neal
Berkley	Hoefel	Oberstar
Berman	Holden	Obey
Bilbray	Holt	Oliver
Blagojevich	Hooley	Ortiz
Blumenauer	Horn	Owens
Boehler	Houghton	Pallone
Bonior	Hoyer	Pascrell
Borski	Inslee	Pastor
Boswell	Jackson (IL)	Payne
Boucher	Jackson-Lee	Pelosi
Brady (PA)	(TX)	Phelps
Brown (CA)	Jefferson	Pomeroy
Brown (FL)	Johnson (CT)	Porter
Brown (OH)	Johnson, E. B.	Price (NC)
Capps	Jones (OH)	Quinn
Capuano	Kanjorski	Rahall
Cardin	Kaptur	Ramstad
Castle	Kelly	Rangel
Clay	Kennedy	Reyes
Clayton	Kildee	Rivers
Clyburn	Kilpatrick	Rodriguez
Cook	Kind (WI)	Rothman
Costello	Kleczka	Roukema
Coyne	Klink	Roybal-Allard
Crowley	Kucinich	Sabo
Cummings	LaFalce	Sanchez
Davis (IL)	LaHood	Sanders
DeFazio	Lampson	Sawyer
DeGette	Lantos	Saxton
Delahunt	Larson	Scarborough
DeLauro	LaTourette	Schakowsky
Deutsch	Leach	Scott
Dicks	Lee	Serrano
Dingell	Levin	Shays
Dixon	Lewis (GA)	Sherman
Doggett	Lipinski	Slaughter
Doyle	Lowe	Smith (MI)
Ehlers	Luther	Smith (NJ)
Engel	Maloney (CT)	Smith (WA)
Eshoo	Markey	Snyder
Etheridge	Martinez	Stabenow
Evans	Mascara	Stark
Farr	Matsui	Strickland
Fattah	McCarthy (MO)	Stupak
Filner	McCarthy (NY)	Tauscher
Forbes	McDermott	Taylor (MS)
Ford	McGovern	Thompson (CA)
Frank (MA)	McKinney	Thompson (MS)
Franks (NJ)	McNulty	Thurman
Frelinghuysen	Meehan	Tierney
Frost	Meek (FL)	Towns
Ganske	Meeks (NY)	Udall (CO)
Gejdenson	Menendez	Udall (NM)

Upton	Watt (NC)	Wise
Velazquez	Waxman	Wolf
Vento	Weiner	Woolsey
Visclosky	Weldon (PA)	Wu
Walsh	Wexler	Wynn
Waters	Weygand	

NOES—216

Aderholt	Gibbons	Packard
Archer	Gillmor	Paul
Armey	Goode	Pease
Bachus	Goodlatte	Peterson (MN)
Baker	Goodling	Peterson (PA)
Ballenger	Gordon	Petri
Barr	Goss	Pickering
Barrett (NE)	Graham	Pickett
Bartlett	Granger	Pitts
Barton	Green (WI)	Pombo
Bass	Gutknecht	Portman
Bateman	Hall (TX)	Pryce (OH)
Berry	Hansen	Radanovich
Biggert	Hastert	Regula
Bilirakis	Hastings (WA)	Reynolds
Bishop	Hayes	Riley
Bliley	Hayworth	Roemer
Blunt	Hefley	Rogan
Boehner	Herger	Rogers
Bonilla	Hill (IN)	Rohrabacher
Bono	Hill (MT)	Ros-Lehtinen
Boyd	Hilleary	Royce
Brady (TX)	Hobson	Ryan (WI)
Bryant	Hoekstra	Ryun (KS)
Burr	Hostettler	Salmon
Burton	Hulshof	Sandlin
Buyer	Hunter	Sanford
Callahan	Hutchinson	Schaffer
Calvert	Hyde	Sensenbrenner
Camp	Istook	Sessions
Campbell	Jenkins	Shadegg
Canady	John	Shaw
Cannon	Johnson, Sam	Sherwood
Chabot	Jones (NC)	Shimkus
Chambliss	Kasich	Shows
Chenoweth	King (NY)	Shuster
Clement	Kingston	Simpson
Coble	Knollenberg	Sisisky
Coburn	Kolbe	Skeen
Collins	Kuykendall	Skelton
Combest	Largent	Smith (TX)
Condit	Latham	Souder
Cooksey	Lazio	Spence
Cox	Lewis (CA)	Stearns
Cramer	Lewis (KY)	Stenholm
Crane	Linder	Stump
Cubin	Livingston	Sununu
Cunningham	LoBiondo	Sweeney
Danner	Lucas (KY)	Talent
Davis (FL)	Lucas (OK)	Tancredo
Davis (VA)	Manzullo	Tanner
Deal	McCollum	Tauzin
DeLay	McCrery	Taylor (NC)
DeMint	McHugh	Terry
Diaz-Balart	McInnis	Thomas
Dickey	McIntosh	Thornberry
Dooley	McIntyre	Thune
Doolittle	McKeon	Tiahrt
Dreier	Metcalf	Toomey
Duncan	Mica	Trafiacant
Dunn	Miller (FL)	Turner
Edwards	Miller, Gary	Walden
Ehrlich	Moran (KS)	Wamp
Emerson	Murtha	Watkins
English	Myrick	Watts (OK)
Everett	Nethercutt	Weldon (FL)
Fletcher	Ney	Weller
Foley	Northup	Whitfield
Fossella	Norwood	Wicker
Fowler	Nussle	Wilson
Gallegly	Ose	Young (AK)
Gekas	Oxley	Young (FL)

NOT VOTING—8

Carson	Lofgren	Rush
Conyers	Maloney (NY)	Spratt
Ewing	Mollohan	

So the amendment was not agreed to. After some further time,

8.6 RECORDED VOTE

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

Page 6, line 10, after "exceeded" insert "or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such

mandate established to protect human health, safety, or the environment".

Page 6, after line 10, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting "or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "such fiscal year" and by inserting "or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "the estimate".

Page 6, lines 18, 20, 22, and 24, after "inter-governmental" insert "mandate" and after the closing quotation marks insert "and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment'".

Page 6, line 23, strike "and".

Page 6, line 25, strike the period and insert "and".

Page 6, after line 25, insert the following:

(v) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "and" and by adding the following new clause after clause (iv):

"(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment."

Page 7, line 16, strike "one point" and insert "two points" and on line 18, insert after "(a)(2)" the following: "with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates."

It was decided in the { Yeas ..... 203 negative ..... } Nays ..... 216

8.7 [Roll No. 16] AYES—203

Abercrombie	Brown (OH)	Dooley
Ackerman	Campbell	Doyle
Allen	Capps	Edwards
Andrews	Capuano	Engel
Baird	Cardin	Eshoo
Baldacci	Castle	Etheridge
Baldwin	Clay	Evans
Barcia	Clayton	Farr
Barrett (WI)	Clyburn	Fattah
Becerra	Conyers	Filner
Bentsen	Costello	Forbes
Berman	Coyne	Ford
Bilbray	Crowley	Frank (MA)
Bishop	Cummings	Frost
Blagojevich	Davis (FL)	Gejdenson
Blumenauer	Davis (IL)	Gehardt
Boehler	DeFazio	Gilchrest
Bonior	DeGette	Gonzalez
Borski	DeLahunt	Green (TX)
Boswell	DeLauro	Gutierrez
Boucher	Deutsch	Hall (OH)
Boyd	Dicks	Hastings (FL)
Brady (PA)	Dingell	Hill (IN)
Brown (CA)	Dixon	Hilliard
Brown (FL)	Doggett	Hinchee

Hinojosa	McKinney	Sanders
Hoefel	McNulty	Sawyer
Holden	Meehan	Saxton
Holt	Meek (FL)	Scarborough
Hooley	Meeks (NY)	Schakowsky
Horn	Menendez	Scott
Hoyer	Millender-McDonald	Serrano
Inslee	Miller, George	Shays
Jackson (IL)	Minge	Sherman
Jackson-Lee (TX)	Mink	Shows
Jefferson	Moakley	Skelton
Johnson (CT)	Moore	Slaughter
Johnson, E. B.	Moran (VA)	Smith (NJ)
Kanjorski	Morella	Smith (WA)
Kaptur	Nadler	Snyder
Kelly	Napolitano	Stabenow
Kennedy	Neal	Stark
Kildee	Oberstar	Strickland
Kilpatrick	Obey	Stupak
Kind (WI)	Olver	Tauscher
Klecza	Ortiz	Taylor (MS)
Kucinich	Owens	Thompson (CA)
LaFalce	Pallone	Thompson (MS)
Lampson	Pascrell	Thurman
Lantos	Pastor	Tierney
Larson	Payne	Towns
Lazio	Pelosi	Udall (CO)
Leach	Peterson (MN)	Udall (NM)
Lee	Phelps	Velazquez
Levin	Pomeroy	Vento
Lewis (GA)	Price (NC)	Visclosky
Lipinski	Rahall	Waters
Lowe	Ramstad	Watt (NC)
Luther	Rangel	Waxman
Maloney (CT)	Reyes	Weiner
Markey	Rivers	Weldon (PA)
Martinez	Rodriguez	Wexler
Mascara	Roemer	Weygand
Matsui	Rothman	Wise
McCarthy (MO)	Roukema	Woolsey
McCarthy (NY)	Roybal-Allard	Wu
McDermott	Sabo	Wynn
McGovern	Sanchez	

NOES—216

Aderholt	Dunn	Kolbe
Archer	Ehlers	Kuykendall
Armey	Ehrlich	LaHood
Baker	Emerson	Largent
Ballenger	English	Latham
Barr	Everett	LaTourette
Barrett (NE)	Ewing	Lewis (CA)
Bartlett	Fletcher	Lewis (KY)
Barton	Foley	Linder
Bass	Fossella	Livingston
Bateman	Fowler	LoBiondo
Bereuter	Franks (NJ)	Lucas (KY)
Berry	Frelinghuysen	Lucas (OK)
Biggert	Gallegly	Manzullo
Bilirakis	Ganske	McCollum
Bliley	Gekas	McCrery
Blunt	Gibbons	McHugh
Boehner	Gillmor	McInnis
Bonilla	Gilman	McIntosh
Bono	Goode	McIntyre
Bryant	Goodlatte	McKeon
Burr	Goodling	Metcalf
Burton	Gordon	Mica
Buyer	Goss	Miller (FL)
Callahan	Graham	Miller, Gary
Calvert	Granger	Mollohan
Camp	Green (WI)	Moran (KS)
Canady	Greenwood	Murtha
Cannon	Gutknecht	Myrick
Chabot	Hall (TX)	Nethercutt
Chambliss	Hansen	Ney
Chenoweth	Hastings (WA)	Northup
Clement	Hayes	Norwood
Coble	Hayworth	Nussle
Coburn	Hefley	Ose
Collins	Herger	Oxley
Combest	Hill (MT)	Packard
Condit	Hilleary	Paul
Cook	Hobson	Pease
Cooksey	Hoekstra	Peterson (PA)
Cox	Hostettler	Petri
Cramer	Houghton	Pickering
Crane	Hulshof	Pickett
Cubin	Hunter	Pombo
Cunningham	Hutchinson	Porter
Danner	Hyde	Portman
Deal	Istook	Pryce (OH)
DeLay	Jenkins	Quinn
DeMint	John	Radanovich
Diaz-Balart	Johnson, Sam	Regula
Dickey	Kasich	Reynolds
Doolittle	King (NY)	Riley
Dreier	Kingston	Rogan
Duncan	Knollenberg	Rogers