

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	Hinchev	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)