

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(1) TREATMENT.—For purposes of subsection (a) (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(2) DEFINITION.—In this subsection, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

(c) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(d) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(e) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

#### SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

#### SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, \$1,250,000 for each of fiscal years 1995 and 1996.

#### TITLE IV—JUDICIAL REVIEW

##### SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

MOTION OFFERED BY MR. CLINGER

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

The Clerk read as follows:

Mr. CLINGER moves to strike all after the enacting clause of S. 1 and insert the text of H.R. 5 as passed, as follows:

(The engrossed provisions of H.R. 5 were not available to be printed at time of publication.)

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

The motion was agreed to.

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 curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 5, was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that in the engrossment of the Senate bill (S. 1) the Clerk be authorized to make technical corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its House amendments to S. 1 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. CLINGER, DREIER, PORTMAN, DAVIS, and CONDIT, Mrs. COLLINS of Illinois, Mr. TOWNS, and Mr. MOAKLEY.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, THE LINE-ITEM VETO ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-15) on the resolution (H. Res. 55) providing for the consideration of the bill (H.R. 2) to give the President item veto authority over appropriations acts and targeted tax benefits in revenue acts, which was referred to the House Calendar and ordered to be printed.

#### PROVIDING FOR CONSIDERATION OF H.R. 440, LAND CONVEYANCE IN BUTTE COUNTY, CA

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 53 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 53

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, California. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 53 is an open rule providing for the consideration of H.R. 440, legislation to resolve title disputes between Plumas National Forest and landowners in Butte County, CA.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Resources Committee, after which any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides one motion to recommit.

Mr. Speaker, House Resolution 53 allows for the consideration of H.R. 440, legislation designed to resolve longstanding boundary issues along the Plumas National Forest. Due to inaccurate boundary surveys, a number of landowners have about 30 acres of land in dispute. This bill will permit the Secretary of Agriculture to convey all right, title, and interest of the United States regarding the affected land back to the owners.

The gentleman from California [Mr. HERGER] has crafted a piece of legislation that will effectively clear up the title disputes between the Plumas National Forest and the landowners. His legislation was approved without amendment in the Committee on Resources, and I expect that it will easily pass the House as well.

I am pleased this bill will be considered under an open rule. In the 103d Congress, those of us in the minority had ample opportunity to express our distress about the number of months that passed between bills with open rules. As we complete 2 weeks of discussion on H.R. 5 under an open rule, I am now pleased to continue the practice of full deliberation in this Chamber by calling up another open rule today.

Let me respond to those who have argued that this legislation could have simply been considered under suspension of the rules. The suspension of the rules is an effective tool, but it is a legislative shortcut which requires the House to suspend its customary procedures and does not allow for amendments to be offered on the House floor.

Until the 94th Congress, motions to suspend were only in order on the first and third Monday of each month. As we all know, subsequent changes now allow motions to suspend on every single Monday and Tuesday. I worry that the abuse of this process gives the impression that the legislation in question has not undergone complete and open deliberation in the House.

While I admit that the suspension of the rules is an effective procedure to expedite legislation, I believe that the process of open rules and open debate will better restore the faith of the American people in this House. Therefore, the new majority of this House will remain steadfast in its efforts to

transform the way Congress carries out its business and make every effort to engender open debate for all Members on the House floor.

Mr. Speaker, H.R. 440 was favorably reported out of the Committee on Resources by voice vote, as was the rule by the Rules Committee. I urge my colleagues to support this rule, and continue the spirit of openness and internal reform that has returned free and deliberative debate to its traditional role in this Chamber.

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

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, my colleague, Mr. LINDER, has outlined very well the terms of the resolution. This is an open rule. I support the rule and urge my colleagues to do the same. Unfortunately, except for the unfunded mandates legislation the major pieces of legislation that have been considered on the House floor this year have had restricted rules. We would encourage the majority party to be as conscientious about providing open rules for the important pieces of legislation that we will have before us, I am sure, especially over the next couple of months.

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In any event, Mr. Speaker, should there be any concerns at all about H.R. 440, which provides for the conveyance of about 30 acres of land in Butte County, CA, the rule does give ample opportunity for those concerns to be addressed. The bill is identical to a bill we passed last year by a voice vote under suspension of the rules.

Finally, Mr. Speaker, if I may, I would like to take this opportunity to commend the new chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], and the new chairman of the Subcommittee on National Parks, the gentleman from Utah [Mr. HANSEN], for building on the good work of the last Congress in bringing this, and several other public lands bills, to the floor as expeditiously as possible.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, we, too, have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 400, THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 52 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. (Mr. UPTON). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. MCINNIS. Mr. Speaker, House Resolution 52 is a very simple resolution. It is an open rule providing for 1 hour of general debate. After general debate, the bill shall be considered for amendment under the 5-minute rule. The rule provides one motion to recommit.

The open rule demonstrates that the new majority intends to honor its commitment to have a more fair and open legislative process, providing the House with an opportunity to review the bills, debate them, and yes, if necessary, to amend them.

The legislation is noncontroversial. It was reported out of the Committee on Resources by a vote of 40 to 0 and is identical to H.R. 4746, which passed in the House during the 103d Congress by voice vote. It settles a longstanding dispute between the local residents of Anaktuvuk Pass and the Park Service over the use of all terrain vehicles [ATV] for access to subsistence resources. The Park Service contended that the ATV's injured the landscape. Both sides of this issue have reached an agreement on the lands which may be