

“(b) **QUESTION OF CONSIDERATION.**—As disposition of points of order under section 425(a) or 426, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

“(c) **DEBATE AND INTERVENING MOTIONS.**—A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

“(d) **EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.**—The disposition of the question of consideration under this section with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this section with respect to an amendment made in order as original text.”.

#### **SEC. 302. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.**

(a) **MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.**—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

“(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 424(a)(1)(A) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.”.

(b) **COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.**—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

#### **SEC. 303. EXERCISE OF RULEMAKING POWERS.**

The provisions of this title (except section 305) are enacted by Congress—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such they shall be considered as part of the rules of the House of Representatives and the Senate, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives and the Senate to change such rules at anytime, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives or the Senate, respectively.

#### **SEC. 304. CONFORMING AMENDMENT TO TABLE OF CONTENTS.**

Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting “PART A—GENERAL PROVISIONS” before the item relating to section 401 and by inserting after the item relating to section 407 the following:

##### **“PART B—FEDERAL MANDATES**

“Sec. 421. Definitions.

“Sec. 422. Limitation on application.

“Sec. 423. Duties of congressional committees.

“Sec. 424. Duties of the Director.

“Sec. 425. Point of order.

“Sec. 426. Enforcement in the House of Representatives.”.

#### **SEC. 305. TECHNICAL AMENDMENTS.**

(a) **TECHNICAL AMENDMENT.**—The State and Local Government Cost Estimate Act of 1981 (Public Law 97–108) is repealed.

(b) **TECHNICAL AMENDMENT.**—Section 403 of the Congressional Budget Act of 1974 is amended to read as follows:

“ANALYSIS BY CONGRESSIONAL BUDGET OFFICE

“SEC. 403. The Director of the Congressional Budget Office shall, to the extent practicable,

prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

“(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate; and

“(2) a comparison of the estimate of costs described in paragraph (1) with any available estimate of costs made by such committee or by any Federal agency.

The estimate and comparison so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.”.

#### **SEC. 306. EFFECTIVE DATE.**

This title shall take effect on October 1, 1995.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate disagree with the House amendments, agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. CRAIG) appointed Mr. ROTH, Mr. DOMENICI, Mr. KEMPTHORNE, Mr. GLENN, and Mr. EXON conferees on the part of the Senate.

#### **THE REGULATORY REFORM BILL**

Mr. LOTT. Mr. President, I ask unanimous consent that the regulatory reform bill, S. 343, introduced yesterday by Senator DOLE, be jointly referred to the Committees on the Judiciary and Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **ORDERS FOR MONDAY, FEBRUARY 6, 1995**

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Monday, February 6, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

I further ask unanimous consent that at 10:30 a.m., the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **PROGRAM FOR MONDAY, FEBRUARY 6, 1995**

Mr. LOTT. Mr. President, for the information of my colleagues, on Monday, the Senate will resume consider-

ation of the balanced budget amendment and the pending amendments thereto.

The majority leader has indicated that there will be no rollcall votes on Monday. However, Senator DOLE has stated that he expects a full and extensive debate on the pending amendments on Monday.

This side of the aisle believes that this is a very serious issue, and I assume that the other side of the aisle considers the Daschle motions to commit to be very serious, as well.

Therefore, again, Members should expect a full day of debate on this matter on Monday. If we are ever going to be able to get to the point where we reach a conclusion on this legislation, we must move forward. I expect that there will be amendments and votes all of next week. But we should make sure that we have a full day on Monday.

#### **RECESS UNTIL MONDAY, FEBRUARY 6, 1995, AT 10 A.M.**

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 4:55 p.m., recessed until Monday, February 6, 1995, at 10 a.m.

#### **NOMINATIONS**

Executive nominations received by the Senate February 3, 1995:

##### **THE JUDICIARY**

ELDON E. FALLON, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE ADRIAN G. DUPLANTIER, RETIRED.

##### **IN THE COAST GUARD**

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

##### **To be lieutenant commander**

GENELLE T. VACHON

##### **To be lieutenant**

THOMAS D. BEISTLE  
ALGERNON J. KEITH  
BRIAN J. PETER  
JEFFREY J. KOZBIEL  
LESLIE J. PENNEY  
KIM J. PACSAI  
WILLIAM D. HOGUE  
CHRISTOPHER J. CLARK  
JOHN M. BRYANT  
HUGH R. GRIFFITHS  
MARTIN W. WALKER  
MANUEL J. PEREZ  
CHINH T. LE  
DAVID M. LARKIN  
RANDY W. EMERY  
ROBERT A. ENGLE  
WILLIAM D. CAMERON, JR.  
SCOTT H. SHARP  
PAUL C. FITZGERALD  
CLAUDIA J. CAMP  
JOHN W. MCKINLEY  
LUTHER B. JENNINGS  
GREGORY G. STUMP  
PAUL W. GEBERT, JR.  
TIMOTHY D. DENBY  
JAY D. ANDREWS  
DAVID R. PERTUZ  
MORGAN R. POWERS  
JEROME H. HILTON  
ANDREW G. DUTTON  
MARK W. FLUITT  
BARBARO J. ORTA  
JENNIFER F. BECK

ROSANNE TRABOCCHI  
JACKQUELINE M. LOSEGO  
MARY J. SOHLBERG  
VALERIAN F. WELICKA  
FRANK W. JESTER  
WILLIAM B. SWEARS  
SHELLEYJO M. ATKINSON  
JOHN G. HOMAN  
ROBERT J. THOMAS  
EVAN C. GRANT  
GREGORY D. ERICKSON  
CHARLES M. HANCOCK  
MARY P. MCKEOWN  
ERIC G. HELM  
JULIO A. MARTINEZ  
EUGENE V. VOGT  
JONATHAN B. DUFF  
WILLIAM D. HENNESSY  
CRAIG L. WELTMAN  
PAUL ALBERTSON  
CHRISTOPHER J. FALK  
STEPHEN A. LESLIE  
ANDREW P. WOOD  
KENT R. CHAPPELKA  
KENNETH A. PIERRO  
MICHAEL T. CUNNINGHAM  
SHANNON W. MCCULLAR  
WILFORD E. MORTON  
BRIAN K. PENOYER  
PHIL M. PERRY  
JANICE L. JENSEN  
BRIAN J. DOWNEY, JR.  
REED A. STEPHENSON

##### **To be lieutenant (junior grade)**

ALAN L. TUBB  
KATHERINE E. WEATHERS

GEORGE A. LESHNER, JR.  
FRED A. GRIFFIN

PATRICK J. NEAL  
MARTIN L. MALLOY  
JOSEPH H. SNOWDEN II  
PAUL MEHLER III  
ROBERT J. BACKHAUS  
THOMAS MCCORMICK  
KYLE J. MARUSIC  
TROY A. BESHEARS  
GARY D. HENDERSON  
MARK J. MCCADDEN  
THOMAS P. DURAND  
DANIEL W. UTTING  
DENIS J. FASSERO  
FRANK E. PEDRAS, JR.  
DAVID K. DIXON  
DEREK F. MYERS  
DIANE R. FOSTER  
THOMAS S. SWANBERG  
DAVID E. CLEARY  
PATTTI S. BROSSMAN  
christopher p.  
mooradian  
stephen h. chamberlin iii  
kevin p. dunn  
andrew n. zavenelli  
eric j. bautz  
jennifer p. croot  
daniel schroder  
diane j. hauser  
brian m. lisko  
matthew c. callan  
christopher l. day  
jose l. jimenez  
daniel c. johnson  
daniel j. pike  
ronald r. dewitt, jr.  
george e. deacon, jr.  
john r. francic  
randal s. ogyrdziak  
raymond c. hayes ii  
jose l. rodriguez  
phillip s. mccarty ii  
kristine m. horvath  
john c. wicht  
anthony e. rumbaugh  
christopher c. moss  
james m. boyer  
kara m. satra  
william a. kasten  
robert a. sanchez  
robert w. holthaus, jr.  
jennifer a. cummings  
william j. moore  
darrell g. mcinnis

michael c. brady  
douglas h. borden iii  
niles l. seifert  
francis j. susskey, jr.  
david moynihan  
john e. valentine  
steven r. custer  
lloyd l. stone ii  
frederick reyes  
jeffrey c. babb  
roberto e. devarle  
mark a. tennyson  
lance a. rocks  
drady c. downs  
robert g. pearce, jr.  
christopher j. woodley  
frederick c. riedlin  
steven t. pearson  
robert e. bailey, jr.  
thomas j. glynn  
james h. finta  
joseph m. carroll  
todd j. shoefelt  
todd j. offutt  
joel l. rebholz  
charles e. gehinscott  
elizabeth d. blow  
david h. cronk  
dawn c. gorman  
eugene r. lytton, jr.  
theresa a. palmer  
mark e. hammond  
pablo e. roque, jr.  
carlos a. torres  
James b. robertson iii  
robert e. iddins  
jeffrey t. carter  
randall w. tucker  
richard m. pruit  
steven k. machovina  
charles a. hatfield iii  
edward j. lane iii  
KRISTY M. PAQUETTE  
ERIC S. ENSIGN  
MICHAEL J. DREIER  
MATTHEW P. ROTHER  
JAMES F. DRISCOLL  
JAMES J. SZRAMA  
LUIS M. ROLDAN  
BOBBY L. WILLIAMS  
JAMES L. DUVAL  
MARK A. LIND  
FRANCIS T. BOROSS, JR.  
THOMAS A. NORTON

MARK D. WARD  
MICHAEL B. WALLACE  
RICHARD A. ROBERTS, JR.  
KEVIN W. LOPEZ  
EDGARDO ROSA  
KENNETH A. SMITH  
JEFFREY W. JOHNSON  
RICKY N. SORRELL  
BARBARA A. ROSE  
JEFFREY S. FRAZIER  
NICOLAS D. CARON  
DANIEL C. ROCCO  
DAVID B. MAC LEAN  
ERIN D. MAC DONALD  
DAVID E. PUGH  
HAROLD P. BRUU, JR.  
THOMAS I. MAC DONALD  
KELLY M. POST  
DARREN A. DRURY  
MICHAEL T. ARNOLD  
JAMES B. PRUETT  
LYNN A. GOLDHAMMER  
GREGORY L. PURVIS  
ROBERT P. WARD  
DAVID W. EDWARDS  
MARC S. HARTMAN  
MARK L. COLLIER  
RICHARD R. HAYES  
JAMES M. MATHIEU  
RICHARD S. CRAIG  
BRUCE N. DECKER  
JESS W. MC GINNIS  
RAYMOND C. STONE  
ANTHONY C. CURRY  
BRIAN R. WETZLER

IN THE AIR FORCE

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 12203 WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067 TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

*To be colonel*

HAROLD L. KENNEDY, 000-00-0000

MEDICAL CORPS

*To be lieutenant colonel*

GEORGE Z. WEISSFISCH, 000-00-0000

DAVID C. MORTON  
ALBERT R. AGNICH, JR.  
MICKEY D. COLE  
DAVID A. DRAKE  
THEODORE B. GANGSEI  
ROBERT P. GILLAN  
TRACY J. WANNAMAKER  
BRAD J. ERVIN  
TRELLIS M. BIVINS  
THOMAS H. SHERMAN III  
ELMER A. LIMOS  
MARK A. CAMACHO  
RICKY M. SHARPE  
NELSON MEDINA  
JOSEPH J. GLEASON  
JOHN R. HELTON, JR.  
ROBERT J. BOWEN  
LILLIAN M. MAIZER  
BENJAMIN B. WHITE  
DANIEL J. SCHIFSKEY  
KEITH C. RALEY  
MARK T. CUNNINGHAM  
SHERMAN P. WHITMORE  
CAROLA J. ATKINSON  
CHRISTOPHER J. ROBINSON  
DANIEL L. YOUNGBERG  
TED J. SANCHEZ  
DAVID C. BILLBURG  
BRUCE L. DAVIES  
DARREN M. MOORE  
DAVID B. SCOTT  
CRAIG S. BREITUNG  
SHELDON J. ROBERTS  
GREGORY A. HOWARD

CHAU W. YAN, 000-00-0000

DENTAL CORPS

*To be lieutenant colonel*

BRUCE A. JOHNSON, 000-00-0000

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 12203.

LINE OF THE AIR FORCE

*To be lieutenant colonel*

CHARLES R. DAVIS, 000-00-0000  
HUGH A. FORDE, 000-00-0000  
JOHN D. KIRBY, JR., 000-00-0000  
WALTER G. LUCAS, JR., 000-00-0000  
DOUGLAS D. TAYLOR, 000-00-0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL

*To be lieutenant colonel*

ORIN R. HILMO, JR., 000-00-0000

MEDICAL CORPS

*To be major*

TARA L. CHRONISTER, 000-00-0000  
VICTOR A. TORANO, 000-00-0000

MEDICAL SERVICE CORPS

*To be major*

STEPHEN C. WALLACE, 000-00-0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED MAJOR OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL, UNDER THE PROVISIONS OF SECTION 624 AND 628 OF TITLE 10, UNITED STATES CODE:

*To be lieutenant colonel*

LAWRENCE J. KOVALCHIK, 000-00-0000