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House of Representatives

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for Your blessing, gracious God, in all the moments of life from the morning light to eventide, from the rush of activity that greets each day to the quiet and solitude when work is over and time is past. Our petitions reach out to You, O God, from the early instants of life through all the encounters of daily living until we rest from our labors and the burdens of life are over. As we contemplate the opportunities that are before us, we pray that Your benediction will ever be with us, Your counsel will lead us in the right path, and Your grace will be sufficient for our every need. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with amendments bills of the House of the following titles in which concurrence of the House is requested:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law; and

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3754) ''An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.''

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1130. An act to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes;

S. 1559. An act to make technical corrections to title 11, United States Code, and for other purposes;

S. 1662. An act to establish areas of wilderness and recreation in the State of Oregon, and for other purposes;

S. 1735. An act to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes;

S. 1873. An act to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes;

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the ''L. Clure Morton United States Post Office and Courthouse'';

S. Con. Res. 52. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress;

S. Con. Res. 68. Concurrent resolution to correct technical errors in the enrollment of the bill, H.R. 3103; and

S. Con. Res. 70. Concurrent resolution to correct technical errors in the enrollment of the bill, H.R. 1975.

The message also announced that pursuant to Public Law 104–132, the Chair, on behalf of the minority leader, appoints Donald C. Dahlin, of South Dakota, as a member of the Commission on the Advancement of Federal Law Enforcement.

The message also announced that pursuant to Public Law 104–132, the Chair, on behalf of the President pro tempore, appoints Robert M. Stewart, of South Carolina, as a member of the Commission on the Advancement of Federal Law Enforcement.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, August 5, 1996 at 2:35 p.m.: that the Senate agreed to conference report S. 1316, that the Senate passed without amendment H.R. 1975, that the Senate agreed to conference report H.R. 3103, that the Senate passed without amendment H.R. 3139, that the Senate agreed to conference report H.R. 3448, that the Senate passed without amendment H.R. 3680, that the Senate passed without amendment

H.R. 3834, that the Senate passed without amendment H.R. 3870, that the Senate passed without amendment H. Con. Res. 208.

With warm regards,

ROBIN H. CARLE,
Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of Rule I, the Speaker signed the following enrolled bills on Friday, August 2, 1996:

H.R. 782, to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government;

S. 1316, to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act), and for other purposes.

And Speaker pro tempore WOLF signed the following enrolled bills on Tuesday, August 6, 1996:

H.R. 1975, to improve the management of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes;

H.R. 2739, to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes;

H.R. 3103, to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical saving accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes;

H.R. 3139, to redesignate the United States Post Office building located at 245 Centereach Mall on Middle County Road in Centereach, New York, as the ''Rosey Caracappa United States Post Office Building'';

H.R. 3448, to provide tax relief for small business, to project jobs, to create opportunities, to increase the take home pay for workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that act;

H.R. 3680, to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva conventions to provide criminal penalties for certain war crimes;

H.R. 3834, to redesignate the Dunning Post Office in Chicago, Illinois, as the ''Roger P. McAuliffe Post Office.''; and

H.R. 3870, to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency.

And the Speaker signed the following enrolled bill on Thursday, August 15, 1996:

H.R. 3734, to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

COMMUNICATIONS FROM THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore (Mr. WICKER) laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

CHIEF ADMINISTRATIVE OFFICER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Northern District of Illinois.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT W. FAULKNER,
Chief Administrative Officer.

COMMUNICATION FROM THE HONORABLE PETER DEUTSCH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PETER DEUTSCH, Member of Congress:

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for the Seventeenth Judicial Circuit for Broward County, Florida.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PETER DEUTSCH,
Member of Congress.

COMMUNICATION FROM THE HONORABLE MAC COLLINS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MAC COLLINS, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
August 27, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by Superior Court of Muscogee County, Georgia.

After consultation with the General Counsel, I will make determinations required by Rule L.

Sincerely,

MAC COLLINS,
Member of Congress.

COMMUNICATION FROM THE HONORABLE TODD TIAHRT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TODD TIAHRT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court of the Eighteenth Judicial District for Sedgwick County, Kansas.

I am consulting with the General Counsel to determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

TODD TIAHRT,
U.S. Congressman.

THE WAR ON DRUGS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, there is only one way to wage an effective campaign against drugs and that is to remain forever vigilant.

With that said, it is no wonder overall drug use by 12- to 17-year-olds is up 78 percent when we have an administration asleep at the wheel.

The Clinton White House dozed off early and often in their new administration when they slashed the Office of National Drug Policy by 80 percent and cut interdiction by 25 percent.

They continued to snooze until they were rudely awakened by a Republican Congress which took it upon themselves to restore funding for drug interdiction.

And then, the Clinton White House fell back into slumber again only to be roused by a Presidential campaign.

Mr. Speaker, the Clinton White House needs to turn off their political alarm system when it comes to drugs and remain forever attentive to the ongoing war.

THE REPUBLICAN AGENDA

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I spent most of the month of August during our district work period at forums and town meetings throughout my district.

I have to tell you, overwhelmingly the public that I represent was opposed

to the Gingrich Republican agenda that seeks to cut back on Medicare and Medicaid, that seeks to cut back on student loan programs and education programs, and that also tries to roll back the environmental agenda and the environmental protection that we have fought so hard for over the last 25 years here in the Congress.

What my constituents were telling me is that they feel there needs to be more student loan programs and programs that allow students to finance their education at college or graduate school. The same thing about Medicare; the senior citizens feel that Medicare should be expanded so that it covers prescription drugs, so that it covers home health care. And with regard to environmental programs, they would like to see more cleanup of Superfund sites and better protection and better enforcement of our environmental laws.

One thing is absolutely clear, that is that the Gingrich Republican agenda has really created a mess and the last 2 years have been a failure.

ENGLISH AS OUR OFFICIAL LANGUAGE

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, on August 1 we in this House took a historic step by passing English as our official language by a vote of 259 to 101. I thank all of my colleagues in the House of Representatives for joining me in getting this bill passed. Those of us who are committed to keeping this country as one Nation, one people—the ''United'' States of America realize that to do this we need one common language.

Now to complete this task we must spur the Senate into action. That's why I'm asking the Members of this body to contact their Senators and request that they take up this bill, pass it, and send it on to the President for his signature.

Then we will have completed a task we started years ago. It will demonstrate that while success does not always come with rushing speed, success does come with persistence.

English must become our official language; but that will only happen if we make it happen.

LET US REMEMBER GUAM

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, American leadership in the world and in particular, the measured and timely response of President Clinton to Saddam Hussein's jabs into Northern Iraq should be recognized and supported by all Americans.

America's leadership in the unleashing of the cruise missiles and her projection of power in the world has again manifested itself in these latest developments. Over the concerns of Allies and despite problems with fly over rights, America alone can project power throughout the world in the name of peace and security.

As demonstrated by the use of the B–52's, Guam remains a crucial and proud part of America's projection of power around the world. Guam did its part, there were no concerns about fly over rights, and the bases on Guam performed their role.

Mr. Speaker, let's remember Guam in more settled times as the people of Guam recover from Brac decision to close bases and as the people of Guam attempt to recover land that the military no longer desires. Even though we can always count on Guam, we should never take Guam for granted.

SITUATION IN IRAQ

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, most of the Members of the Congress have in one way or another asserted their support of the President of the United States in the actions that he has taken in Iraq, and we will continue to do so. But there is a time now for the White House to articulate the policy and the goals and the targets of this attack with missiles on Iraq.

We should not be subjected now, as Members of Congress, to a bulletin of the missile of the day, 20-some the first time, 17 the next time and another one, most recently. This missile of the day does not constitute a policy for long-term solution of the wide-ranging problems of the Middle East. We urge the President to continue to earn the support of the Congress, to articulate a policy that we can all see and feel and hear so that we can continue to support efforts against Saddam Hussein.

THE TRUTH ABOUT AMERICAN WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the speeches are over. Rosy scenario and glad tidings are now behind us; a reality check is in order.

Over 1 million American families filed bankruptcy last year. A record number of Americans went belly up. How is that for family values to both the Democrat and Republican Parties?

Think about it. While politicians say fat city, bankers say foreclose. While politicians say super, bankers say sue.

Beam me up, Mr. Speaker. The truth is, while lawyers, bankers and CEO's are doing the macarena all over America, American families are going belly up in record numbers, doing the same old shuffle trying to make ends meet.

I yield back the balance of any pay they are missing.

FIGHT ILLEGAL DRUGS, NOT TOBACCO FARMERS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, Bill Clinton's assault on tobacco has upset farmers all across my district in eastern North Carolina. Clinton's proposal by definition has made every tobacco grower, warehouseman and wholesaler a drug dealer and every smoker a drug user. One tobacco farmer asked me to deliver a message to the politically correct in Washington, DC. He said,

> Tell the President that I am not a drug dealer, nor is anyone else in the tobacco community. In fact, there are probably fewer drug users among all tobacco growers than there are on the White House staff.

Another tobacco farmer asked me to urge Clinton to wage war on illegal drugs, not tobacco farmers. I traveled across my district visiting several tobacco farms and auction warehouses, where hard-working farmers believe Clinton decided to deflect criticism of the staggering increases in illegal teenage drug use by attacking tobacco. Mr. Speaker, the farmers of North Carolina are angry. Washington is treating them like criminals. They are taxpaying, law-abiding citizens who believe the President should keep the FDA off the farm and out of NASCAR racing.

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GINGRICH CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today we begin the final push of the 104th congressional session, and to welcome the Republican leadership back, we have a new CNN/USA Today/Gallup poll that shows that voters prefer the Democrats in Congress over Republicans by a 10-point margin. The reason for the American people rejecting the Gingrich Republican revolution and turning toward the Democrats' families first agenda is that the Republican leadership have their priorities backward.

The American people do not support Republican efforts to cut Medicare, and the people do not support Republican efforts to cut student loans, and the American people do not support efforts to roll back environmental protections. And mostly, the American people do not support a Congress that puts their needs far below the desires of the most wealthy in our society.

Democrats are committed to fighting for working families; that is why they developed the families first agenda. It includes legislative proposals that would put Congress on the right track toward solving the problems that families face in their everyday lives. The Republican leadership should spend the

rest of this session working for families instead of against them.

TIME TO JUST SAY NO AGAIN

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, we have a problem, a very serious problem that has cast a long, dark shadow over our great land. The problem, Mr. Speaker, is drugs. The United States has seen an 80-percent increase in the use of illegal drugs in the last 4 years.

This is an unconscionable statistic, a statistic that we can no longer afford to ignore. Cocaine use up by 166 percent and marijuana use up by 141 percent.

Last year 1 in 10 kids used drugs regularly. That is too many. Our children are the real bridge to the 21st century, and they are being torn down by these drugs. It must end if we intend to give them a bright future.

I knocked on 3,500 doors while I was back in Omaha during the August recess. I can't tell you how many people in Nebraska said to me one thing: find a way to fight the drug war.

This in not an east coast or a west coast problem, an urban or a rural problem; it is a national problem.

We live in the greatest Nation in the world and can ill afford to let this problem continue. It's time we said just said no again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WICKER). Pursuant to the provisions of clause 6 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

TOLL FREE CONSUMER HOTLINE

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 447) to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made, as amended.

The Clerk read as follows:

H.R. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PILOT PROGRAM.

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in rulemaking under section 2, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll free number pilot program, and

(2) manufacturers will provide fees under section 2(c) so that the program will operate without cost to the Federal Government,

the Secretary shall establish such program solely to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2,

which shall be funded entirely from fees collected under section 2(c).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number;

(3) for the establishment under section 1(a) of the toll-free number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulations.

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term ''made in America or the equivalent thereof'', with respect to a product, has the meaning given such term for purposes of laws administered by the Federal Trade Commission.

(2) The term ''product'' means a product with a retail value of at least $250.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, rules, or any guidance issued by the Federal Trade Commission regarding the use of the term ''made in America or the equivalent thereof'' in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to support H.R. 447, a bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made. This bill, introduced by my colleague from Ohio, Mr. TRAFICANT, was passed unanimously by the House during the 103d Congress, but unfortunately was never passed by the Senate.

The legislation reflects the bipartisan consensus reached in the 103d Congress that a toll free number which would provide consumers with information on products ''made in America'' would be a significant benefit, but that any such program should be funded by manufacturers and not taxpayers. Thus, the bill directs the Secretary of Commerce to canvass industry to determine the level of interest in establishing this kind of toll free number. If the Secretary determines that there is interest among manufacturers of domestic products sufficient to provide private sector funding, then the Secretary is directed to contract out the operation of the line to an organization that would charge a fee for listing

products as ''made in America'' and providing this information to consumers.

This legislation protects the American taxpayer from the threat of another program which drains the Treasury with limited benefit to the taxpayers. If there is sufficient interest on the part of manufacturers who would pay the operating costs, the program goes forward; if not, then it doesn't. Either way, the taxpayer is no worse off than before.

As some of my colleagues may be aware, the Federal Trade Commission is the agency charged with enforcing unfair or deceptive advertising of products as ''made in America.'' About 1 year ago, the FTC began an effort to reexamine its decades-old standard of what constituted ''made in America.'' The Commission is currently awaiting a staff recommendation on what changes—if any—are necessary in the FTC's ''made in American'' standard.

When Mr. TRAFICANT appeared before my subcommittee 2 months ago, he testified that he had no objection to ensuring that the definition of ''made in America'' used in the bill reflected the extensive work that the Federal Trade Commission has completed on this subject. The subcommittee later approved an amendment to ensure that the definition of ''made in America'' used for purposes of this toll free number is consistent with the definition used by the FTC, both now and in the future. This is part of an ongoing effort of the Commerce Committee to simplify definitions and statutes within its jurisdiction, in order to better allow average citizens to understand the law.

This legislation would establish an important service for consumers paid for by the manufacturers that it benefits. This is legislation which is simultaneously pro-consumer and pro-industry. But most importantly, it is 100 percent pro-American.

Mr. Speaker, I am proud to be able to bring this legislation to the floor, and I urge my colleagues to support it.

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

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 447, a bill to establish a toll free information service to assist consumers in identifying American-made products. With the very worthy goal of increasing the availability of information regarding American-made products on the market, this bill has real potential to aid the public in making purchases that most directly support the American economy.

H.R. 447 is a good bill that every Member can support. It simply requires the Commerce Department to assess private sector interest in a toll free service that consumers could use to determine which products on the market are made in America. This assessment is important because the program, if established, will be fully funded by modest fees imposed on manufacturers who register their products for the service.

If the Secretary of Commerce finds that sufficient interest in the service does exist, the bill directs the Department to facilitate its creation by contracting out implementation of the program. Finally, because the toll free service will provide information on products made in the United States, this legislation maintains consistency with the Federal Trade Commission by applying the Commission's standard for such designation.

Mr. Speaker, I would like to commend my colleague, Mr. TRAFFICANT, for developing this legislation. H.R. 447 appeals to Members on both sides of the aisle because it proposes to promote American-made products while aiding American consumers. This is a good piece of legislation, and as ranking minority member on the Commerce, Trade, and Hazardous Materials Subcommittee, I urge my colleagues in the House to support it.

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

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to start out by thanking the gentleman from Ohio [Mr. OXLEY], my colleague, who is not only one of the great Members, but now a great chairman, for taking the time to consider this legislation, and also my classmate and dear friend, the gentleman from New York [Mr. MANTON] from Queens. And I say to the gentleman, ''Archie Bunker, I think, was your constituent, and Woody Allen would even support this. So we go from the real extremes on both sides because I think it's a good piece of legislation.''

As my colleagues know, I do not think there is any secret to the fact that I opposed NAFTA and GATT, and I still believe that we have sent and shipped jobs overseas; they continue to go overseas. I do not know how many read and follow up on trade statistics. Japan is over $6 billion surplus; China is creeping in, now approaching $40 billion surplus in trade with America. We had a $2 billion surplus with Mexico several short years ago. It is projected to be a $20 billion deficit this year. Canada is approaching $16 billion trade surplus with America.

So look, just beam me up. I do not know who is calling all these shots, and everybody has all these rosy pictures. I am an old quarterback who looks at the scoreboard, and I think we are losing. We have done nothing.

This is a very common sense message that basically says maybe the American people can get energized by becoming aware and realizing the importance of buying products made by American workers who get an American paycheck who pay American taxes who keep this American train coming down the track. H.R. 447 does that. What it says:

If a family in Chicago is going to buy a refrigerator, they can call that 1-800 number and say: Hey, look, is there still a refrigerator left that is made in America; and, if so, what is the model number?

My colleagues might be surprised that there is not a television, typewriter, VCR, or telephone now that is made in our country.

I am hoping that the Commerce Department is energized by this legislation and moves hard to assess not only the consumer information of the public, but my goal, which is to energize the American consumer to shop, to literally ask when they are shopping, what is made in America?

So with that I want to thank again the gentleman from Ohio [Mr. OXLEY]; I want to thank the gentleman from New York [Mr. MANTON]. I would hope that we get the other body moving on this legislation. I think it is some alternative, and by God, if we cannot get it done, maybe the American consumer will do something.

Mr. MANTON. Mr. Speaker, having no more requests for time, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I want to thank Chairman OXLEY and the ranking member, Mr. MANTON.

As the author of H.R. 447, I am honored and pleased that the bill has—once again—made it to the House floor. The bill establishes a toll-free, 1–800 number for consumers to get information on products made in America.

H.R. 447 is identical to legislation approved by the House in the last Congress. Unfortunately, the other body never acted on the bill and it died at the end of the 103d Congress.

H.R. 447 directs the Commerce Department to canvass American companies to gauge their interest in participating in a 1–800 Buy American Program. After determining that there's sufficient interest, the bill directs the Department to contract out the program.

Under an amendment adopted by the Commerce Committee, the bill would rely on the Federal Trade Commission to define an American-made product based on a forthcoming determination on standards for ''Made in the USA'' labels.

Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties.

One of the key components of H.R. 447 is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

The bill will not require the Commerce Department to hire more people or create a new unit. The program will be contracted out and run by a private company.

When making a big purchase, most Americans want to buy American. The bill will help them make an informed and patriotic decision.

H.R. 447 makes good, common sense. I urge my colleagues to support it.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 447, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered as withdrawn.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3553) to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

The Clerk read as follows:

H.R. 3553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Trade Commission Reauthorization Act of 1996''.

SEC. 2. REAUTHORIZATION.

Section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended by striking ''and not to exceed'' and inserting ''not to exceed'' and by inserting before the period the following: ''; not to exceed $107,000,000 for fiscal year 1997; and not to exceed $111,000,000 for fiscal year 1998''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3553, the Federal Trade Commission Act of 1996, is a straight 2-year reauthorization of the agency. This legislation, cosponsored by my distinguished subcommittee ranking member, Mr. MANTON, authorizes appropriations of $107 million in fiscal year 1997 and $111 million in fiscal year 1998 for the operations of the Federal Trade Commission. These amounts reflect a current services budget for the agency and include no funding for an expansion of activities or personnel.

Mr. Speaker, I have often taken to this floor to defend the modern FTC. Shortly before the recess, my subcommittee spent several hours with the Federal Trade Commission discussing their performance over the past few years and their plans for the future. I am pleased to say that under the leadership of FTC Chairman Pitofsky, and former Chairwoman Steiger, this agency has come a long way toward rehabilitating its tarnished image and I feel justified in coming to its defense. The agency today is one which is constantly reviewing old orders, rules, and guidance in an effort to eliminate confusing and outdated regulations. The agency is about half the size it was during the late 1970's, but now is effectively reviewing an unprecedented number of mergers. In short, this agency is doing more with less, and doing it smarter.

Further, the agency has continued to protect consumers from the fraudulent activities of criminals who masquerade as legitimate businessmen. For instance, the FTC, working with other Federal, State and local law enforcement officials, has spearheaded the effort to eliminate telemarketing fraud that the House began when it passed the Telemarketing Fraud Act in the 103d Congress. The agency has played an instrumental role in a number of sweeps conducted by law enforcement officials, including the recent ''Operation Senior Sentinel'' sweep which shut down a number of fraudulent telemarketing operations aimed at our senior citizens and resulted in numerous arrests across the county.

This agency should serve as a model to other Federal regulatory agencies in terms of how to accomplish their fundamental missions in an era of dwindling resources. I urge my colleagues to support this agency by casting a ''yes'' vote for this simple, straightforward legislation.

□ 1230

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

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3553, the Federal Trade Commission Reauthorization Act of 1996. I was pleased to join the chairman of the Commerce, Trade, and Hazardous Materials Subcommittee, Mr. OXLEY, in introducing this legislation and I am equally pleased to participate in its passage today on the floor. This is good, bipartisan legislation that authorizes funding for the FTC through fiscal year 1998.

As one of the country's oldest independent agencies, the FTC fulfills an extremely important mission for the American people by protecting consumers from unfair or deceptive advertising and marketing practices, while also protecting business and industry from unfair methods of competition. The Commission has responsibilities under approximately 30 separate laws, in addition to numerous trade regulations and rules governing specific industries and practices. Under the leadership of Chairman Pitofsky, and his predecessor, Janet Steiger, the FTC has done consistently good work while striving for continuous improvement in its operations.

H.R. 3553 furthers the commitment to the FTC that was demonstrated during the 103d Congress with the passage of the Federal Trade Commission Amendments of 1994 and the Telemarketing and Consumer Fraud and Abuse Prevention Act. After a lapse in authorization of 14 years, these bills reestablished the important congressional role in addressing the responsibilities and authority of the FTC. The process of reauthorizing the FTC through this bill before us, afforded another opportunity to take a close look at the Commission's activities and evaluate its recent performance.

Over the past few years, the FTC has had significant success through enforcement activities directed particularly at telemarketing and credit fraud. In the area of telemarketing fraud alone, the FTC has brought over 100 enforcement actions against fraudulent business operations since the beginning of the year, potentially saving consumers many millions of dollars.

Also noteworthy, in these times of fewer available dollars for Federal activities, the Commission has bolstered its enforcement resources by teaming with State and other Federal agencies in pursuit of its mission. And finally, the Commission's efforts to streamline its operations through internal review of its own rules, orders, and administrative guidance with the goal of eliminating obsolete measures and improved efficiency has been substantial and should be commended.

Mr. Speaker, H.R. 3553 is a clean reauthorization bill that provides sufficient funding to ensure that the FTC has the resources it needs to fulfill its mission. I want to thank Chairman OXLEY for his efforts in bringing this bill to the House floor today and I urge my colleagues to support the legislation.

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

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise in support of the bill, and congratulate the chairman of the subcommittee for an excellent bill, and the ranking minority member for the cooperation that has brought this forward.

Mr. Speaker, I rise mainly to express some concern regarding activities that the FTC is now engaged in reviewing and approving the Time Warner-Turner broadcast merger proposal. The concern is one that is shared by quite a number of people, particularly those living in rural areas serviced by small cable companies. The concern has to do with the question of whether or not those consumers living in areas, particularly rural areas serviced by small cable companies, will have access to programming that this Congress has so

often stated should be available to all Americans.

The concern is that with this merger, indeed, will Time Warner-Turner make available under the program access guidelines that this Congress has spoken to in several acts now, the cable bill of 1992, and the most recent telecommunications bill of 1996, will in fact those programs be made available to small cable companies in those rural areas.

The concern is one that has been expressed in a letter to Chairman Pitofsky authorized by the SCBA, the organization representing those small cable companies. It is expressed in a letter to the chairman issued by the Small Business Administration, dated August 14, 1996, in which the Small Business Administration points out the fact that Time Warner's Prime Star, the direct broadcast satellite television system, will be in direct competition with those small cable companies in rural areas, and the SBA has raised the question of whether or not this new combination will in fact act in a way that is in fact anticompetitive and will not make programming available to those small cable companies that face competition from Prime Star, which is, indeed, owned by this new proposed merger.

The concern has also been expressed on the Senate side in a letter that Senator EXON sent to the chairman in which he pointed out that the success of competition in video services depends upon program access, that if any system, be it a small cable company or a satellite company, cannot get the program, that consumers are denied competitive choices.

We have fought this battle on the floor of the House in 1992 and successfully restated, over a Presidential veto, the intention that program access is the foundation of competition in this area. We again expressed it in the 1996 Telecommunications Act, where program access is the foundation to competition and to consumer choice.

I simply wanted to raise that concern here today with the FTC, and to hopefully continue dialoguing on this topic. When consumers have choice, when they have program access, to choose from two different suppliers, prices, services, competition, all of those things work to the benefit of the marketplace. When consumers are denied choice because some providers cannot buy the programs, then competition does not work, consumers suffer from higher prices and less quality service.

It is critical, and I hope the FTC pays attention to this notion in approving the Time Warner-Turner merger, that that program access be maintained so consumers in rural areas serviced by small cable companies will continue to have the same kind of choices that other Americans have to choose between a satellite distributor or a landline cable company for the incredibly desirable cable programming that in now important to the American consumer's menu.

With those concerns expressed, I hope we will continue this dialog. I thank the chairman of the subcommittee for the time to express those concerns, and hope that in fact the FTC will listen and continue to talk to us about them.

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

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my friend, the gentleman from Louisiana, for his hard work on the program access issue. As many know, that was a very hotly debated issue back in 1992 during the cable reregulation legislation, and one of the provisions that made the most sense in an otherwise rather flawed bill. Clearly, that issue is incredibly important to our rural constituents as well. I commend him for his consistent work on this for a number of years.

Mr. DINGELL. Mr. Speaker, I commend Chairman OXLEY and his staff for working in an open, bipartisan manner on this legislation. I also want to commend our ranking member on the subcommittee, Mr. MANTON, for his leadership on this and many other important legislative issues.

The Federal Trade Commission is one of our most important independent agencies. Its core statutory duties are twofold: To prevent antitrust violations and to protect consumers from deceptive and unfair commercial practices. Its mission is vital to protecting the public interest.

During the 103d Congress, our committee worked in a bipartisan fashion to enact two important laws involving the FTC. First, we enacted a compromise bill that broke the 14-year-old stalemate on FTC authorizing legislation. The bill provided a reasonable statutory framework, based on previous Commission policy statements, for determining whether acts or practices are unfair. The bill also beefed up the Commission's enforcement authorities in several important respects. Since enactment of this landmark legislation, the Commission has been able to choose among a broad spectrum of enforcement options against those who violate the FTC Act or Commission rules.

Second, the 103d Congress enacted a telemarketing bill that provides new tools for the FTC and State law enforcement agencies to crack down on those who use a telephone to cheat, swindle, and defraud consumers. The FTC, working closely with State attorneys general, consumer organizations, and other interested parties, has successfully prosecuted multiple telemarketing fraud cases since enactment of the 1993 legislation. The regulations promulgated by the Commission early this year provide additional protection for consumers in this important area.

The record clearly indicates the FTC is performing its mission with improved efficiency and effectiveness. Through efforts initiated during Janet Steiger's tenure as Chairman and continued under Chairman Pitofsky's leadership, the FTC has embarked on a program of responsible regulatory reform. It has repealed unnecessary regulations and updated other regulations where appropriate. Those who advocate responsible regulatory reform would be well advised to look at the FTC's method of streamlining and improving regulation. The FTC's efforts contrast sharply with the ill-advised, blunderbuss approach taken in several legislative initiatives Republicans have pursued during this Congress.

The agency also is doing more with less. Although it has roughly half the staff it had in 1980, it continues to perform its core statutory duties effectively. But, as former Chairman Janet Steiger said in her testimony before the subcommittee,

Any further significant decline in the FTC's staffing imperils the performance of its main mission.

The modest funding levels in the Oxley-Manton bill are well justified when considering the revenues returned to the Treasury from FTC merger fees and enforcement actions and the benefits the agency produces for consumers and the economy.

I am pleased that the Commerce Committee chose to authorize the FTC on a bipartisan basis and to ignore hastily drafted provisions in the House budget resolution that recommended the elimination of the agency. I also note that an identical authorization bill has been reported by our sister committee and is pending in the other body.

I commend Chairman OXLEY and Mr. MANTON. Their bipartisan leadership during the last Congress was critical to enactment of the first FTC authorization bill in more than a decade. The bill before us builds on that progress. I urge all Members to support this legislation.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3553.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 3553.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROPANE EDUCATION AND RESEARCH ACT OF 1996

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1514) to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Propane Education and Research Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) propane gas, or liquefied petroleum gas, is an essential energy commodity providing heat, hot water, cooking fuel, and motor fuel among its many uses to millions of Americans;

(2) the use of propane is especially important to rural citizens and farmers, offering an efficient and economical source of gas energy;

(3) propane has been recognized as a clean fuel and can contribute in many ways to reducing the pollution in our cities and towns; and

(4) propane is primarily domestically produced and its use provides energy security and jobs for Americans.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Council'' means a Propane Education and Research Council created pursuant to section 4 of this Act;

(2) the term ''industry'' means those persons involved in the production, transportation, and sale of propane, and in the manufacture and distribution of propane utilization equipment, in the United States;

(3) the term ''industry trade association'' means an organization exempt from tax, under section 501(c) (3) or (6) of the Internal Revenue Code of 1986, representing the propane industry;

(4) the term ''odorized propane'' means propane which has had odorant added to it;

(5) the term ''producer'' means the owner of propane at the time it is recovered at a gas processing plant or refinery;

(6) the term ''propane'' means a hydrocarbon whose chemical composition is predominantly C^3H^8, whether recovered from natural gas or crude oil, and includes liquefied petroleum gases and mixtures thereof;

(7) the term ''public member'' means a member of the Council, other than a representative of producers or retail marketers, representing significant users of propane, public safety officials, academia, the propane research community, or other groups knowledgeable about propane;

(8) the term ''qualified industry organization'' means the National Propane Gas Association, the Gas Processors Association, a successor association of such associations, or a group of retail marketers or producers who collectively represent at least 25 percent of the volume of propane sold or produced in the United States;

(9) the term ''retail marketer'' means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to retail propane dispensers;

(10) the term ''retail propane dispenser'' means a person who sells odorized propane to the ultimate consumer but is not engaged primarily in the business of such sales; and

(11) the term ''Secretary'' means the Secretary of Energy.

SEC. 4. REFERENDA.

(a) CREATION OF PROGRAM.—The qualified industry organizations may conduct, at their own expense, a referendum among producers and retail marketers for the creation of a Propane Education and Research Council. The Council, if established, shall reimburse the qualified industry organizations for the cost of the referendum accounting and documentation. Such referendum shall be conducted by an independent auditing firm agreed to by the qualified industry organizations. Voting rights in such referendum shall be based on the volume of propane produced or odorized propane sold in the previous calendar year or other representative period. Upon approval of those persons representing two-thirds of the total volume of propane voted in the retail marketer class and two-thirds of all propane voted in the producer class, the Council shall be established, and shall be authorized to levy an assessment on odorized propane in accordance with section 6. All persons voting in the referendum shall certify to the independent auditing firm the volume of propane represented by their vote.

(b) TERMINATION.—On the Council's own initiative, or on petition to the Council by producers and retail marketers representing 35 percent of the volume of propane in each class, the Council shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Council, to determine whether the industry favors termination or suspension of the Council. Termination or suspension shall not take effect unless it is approved by persons representing more than one-half of the total volume of odorized propane in the retail marketer class and more than one-half of the total volume of propane in the producer class, or is approved by persons representing more than two-thirds of the total volume of propane in either such class.

SEC. 5. PROPANE EDUCATION AND RESEARCH COUNCIL.

(a) SELECTION OF MEMBERS.—The qualified industry organizations shall select all retail marketer, public, and producer members of the Council. The producer organizations shall select the producer members of the Council, the retail marketer organizations shall select retail marketer members, and all qualified industry organizations shall jointly select the public members. Vacancies in unfinished terms of Council members shall be filled in the same manner as were the original appointments.

(b) REPRESENTATION.—In selecting members of the Council, the qualified industry organizations shall give due regard to selecting a Council that is representative of the industry, including representation of—

(1) gas processors and oil refiners among producers;

(2) interstate and intrastate operators among retail marketers;

(3) large and small companies among producers and retail marketers, including agricultural cooperatives; and

(4) diverse geographic regions of the country.

(c) MEMBERSHIP.—The Council shall consist of 21 members, with 9 members representing retail marketers, 9 members representing producers, and 3 public members. Other than the public members, Council members shall be full-time employees or owners of businesses in the industry or representatives of agricultural cooperatives. No employee of a qualified industry organization or other industry trade association shall serve as a member of the Council, and no member of the Council may serve concurrently as an officer of the Board of Directors of a qualified industry organization or other industry trade association. Only one person at a time from any company or its affiliate may serve on the Council.

(d) COMPENSATION.—Council members shall receive no compensation for their services, nor shall Council members be reimbursed for expenses relating to their service, except that public members, upon request, may be reimbursed for reasonable expenses directly related to their participation in Council meetings.

(e) TERMS.—Council members shall serve terms of 3 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 7 consecutive years. Former members of the Council may be returned to the Council if they have not been members for a period of 2 years. Initial appointments to the Council shall be for terms of 1, 2, and 3 years, staggered to provide for the selection of 7 members each year.

(f) FUNCTIONS.—The Council shall develop programs and projects and enter into contracts or agreements for implementing this Act, including programs to enhance consumer and employee safety and training, to provide for research and development of clean and efficient propane utilization equipment, to inform and educate the public about safety and other issues associated with the use of propane, and to provide for the payment of the costs thereof with funds collected pursuant to this Act. The Council shall coordinate its activities with industry trade association and others as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(g) USE OF FUNDS.—Not less than 5 percent of the funds collected through assessments pursuant to this Act shall be used for programs and projects intended to benefit the agriculture industry in the United States. The Council shall coordinate its activities in this regard with agriculture industry trade associations and other organizations representing the agriculture industry. The percentage of funds collected through assessments pursuant to this Act to be used for projects relating to the use of propane as an over-the-road motor fuel shall not exceed the percentage of the total market for odorized propane that is used as a motor vehicle fuel, based on the historical average of such use over the previous 3-year period.

(h) PRIORITIES.—Issues related to research and development, safety, education, and training shall be given priority by the Council in the development of its programs and projects.

(i) ADMINISTRATION.—The Council shall select from among its members a Chairman and other officers as necessary, may establish committees and subcommittees of the Council, and shall adopt rules and bylaws for the conduct of business and the implementation of this Act. The Council shall establish procedures for the solicitation of industry comment and recommendations on any significant plans, programs, and projects to be funded by the Council. The Council may establish advisory committees of persons other than Council members.

(j) ADMINISTRATIVE EXPENSES.—(1) The administrative expenses of operating the Council (not including costs incurred in the collection of the assessment pursuant to section 7) plus amounts paid under paragraph (2) shall not exceed 10 percent of the funds collected in any fiscal year.

(2) The Council shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Council, except that such reimbursement for any fiscal year shall not exceed the amount that the Secretary determines is the average annual salary of two employees of the Department of Energy.

(k) BUDGET.—Before August 1 each year, the Council shall publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. Following this review and comment, the Council shall submit the proposed budget to the Secretary and to the Congress. The Secretary may recommend programs and activities the Secretary considers appropriate.

(l) RECORDS; AUDITS.—The Council shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Council and make public such information. The books of the Council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Council may designate. Copies of such audit shall be provided to all members of the Council, all qualified industry organizations, and to other members of the industry upon request. The Secretary shall receive notice of meetings and may require reports on the activities of the Council, as well as reports on compliance, violations, and complaints regarding the implementation of this Act.

(m) PUBLIC ACCESS TO COUNCIL PROCEEDINGS.—(1) All meetings of the Council shall be open to the public after at least 30 days advance public notice.

(2) The minutes of all meetings of the Council shall be made available to and readily accessible by the public.

(n) ANNUAL REPORT.—Each year the Council shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Council during the previous year as well as those planned for the coming year.

Such report shall also detail the allocation or planned allocation of Council resources for each such program and project.

SEC. 6. ASSESSMENTS.

(a) AMOUNT.—The Council shall set the initial assessment at no greater than one tenth of 1 cent per gallon of odorized propane. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the Council. The assessment shall not be greater than one-half cent per gallon of odorized propane, unless approved by a majority of those voting in a referendum in both the producer and the retail marketer class. In no case may the assessment be raised by more than one tenth of 1 cent per gallon of odorized propane annually.

(b) OWNERSHIP.—The owner of odorized propane at the time of odorization, or the time of import of odorized propane, shall make the assessment based on the volume of odorized propane sold and placed into commerce. Assessments collected are payable to the Council on a monthly basis by the 25th of the month following the month of such collection. Propane exported from the United States to another country is not subject to the assessment.

(c) ALTERNATIVE COLLECTION RULES.—The Council may establish an alternative means of collecting the assessment if another means is found to be more efficient and effective. The Council may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Council any amount due under this Act.

(d) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Council may invest funds collected through assessments, and any other funds received by the Council, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE PROGRAMS.—The Council shall establish a program coordinating the operation of the Council with those of any State propane education and research council created by State law or regulation, or similar entity. Such coordination shall include a joint or coordinated assessment collection process, a reduced assessment, or an assessment rebate. A reduced assessment or rebate shall be 20 percent of the regular assessment collected in that State under this section. Assessment rebates shall be paid only to—

(1) a State propane education and research council created by State law or regulation that meets requirements established by the Council for specific programs approved by the Council; or

(2) a similar entity, such as a foundation established by the retail propane gas industry in that State, that meets requirements established by the Council for specific programs approved by the Council.

SEC. 7. COMPLIANCE.

The Council may bring suit in Federal court to compel compliance with an assessment levied by the Council under this Act. A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Council in bringing such action.

SEC. 8. LOBBYING RESTRICTIONS.

No funds collected by the Council shall be used in any manner for influencing legislation or elections, except that the Council may recommend to the Secretary changes in this Act or other statutes that would further the purposes of this Act.

SEC. 9. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Council and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Council, the Secretary of Energy, and the public an analysis of changes in the price of propane relative to other energy sources. The propane price analysis shall compare indexed changes in the price of consumer grade propane to a composite of indexed changes in the price of residential electricity, residential natural gas, and refiner price to end users of No. 2 fuel oil on an annual national average basis. For purposes of indexing changes in consumer grade propane, residential electricity, residential natural gas, and end user No. 2 fuel oil prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Council.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average rolling price index of consumer grade propane exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and refiner price to end users of No. 2 fuel oil in an amount greater than 10.1 percent, the activities of the Council shall be restricted to research and development, training, and safety matters. The Council shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the propane price analysis described in subsection (a). Activities of the Council shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 10. PRICING.

In all cases, the price of propane shall be determined by market forces. Consistent with the antitrust laws, the Council may take no action, nor may any provision of this Act be interpreted as establishing an agreement to pass along to consumers the cost of the assessment provided for in section 6.

SEC. 11. RELATION TO OTHER PROGRAMS.

Nothing in this Act may be construed to preempt or supersede any other program relating to propane education and research organized and operated under the laws of the United States or any State.

SEC. 12. REPORTS.

Within 2 years after the date of enactment of this Act, and at least once every 2 years thereafter, the Secretary of Commerce shall prepare and submit to the Congress and the Secretary a report examining whether operation of the Council, in conjunction with the cumulative effects of market changes and Federal programs, has had an effect on propane consumers, including residential, agriculture, process, and nonfuel users of propane. The Secretary of Commerce shall consider and, to the extent practicable, shall include in the report submissions by propane consumers, and shall consider whether there have been long-term and short-term effects on propane prices as a result of Council activities and Federal programs, and whether there have been changes in the proportion of propane demand attributable to various market segments. To the extent that the report demonstrates that there has been an adverse effect, the Secretary of Commerce shall include recommendations for correcting the situation. Upon petition by affected parties or upon request by the Secretary of Energy, the Secretary of Commerce may prepare and submit the report required by this section at less than 2-year intervals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1514, the Propane Education and Research Act of 1995. This bill, introduced by Mr. TAUZIN, allows the propane industry to establish a propane checkoff fee to fund propane research, development, education, and marketing activities. H.R. 1514, has broad support from the propane industry.

Propane is an important fuel in our national energy mix. It is used to dry crops, heat homes, fuel vehicles, and as a feedstock for plastics and chemicals. Importantly, it is a clean fuel having emissions which are lower than many other fossil fuels.

In summary, this bill would allow propane producers and retail marketers to conduct a referendum on the establishment of the Propane Education and Research Council. The council, made up of large and small propane producers and retail marketers from diverse geographic regions, would then be allowed to collect one-tenth of 1 cent on every gallon of propane sold. The amount assessed could ultimately rise to one-half of 1 cent.

The funds collected through this fee, approximately $8 million per year, are to be used to fund research, educational, safety, and marketing programs determined worthwhile by the council. Importantly, if the activities of the council cause the price of propane to rise disproportionately when compared to other similar fuels, certain activities of the council may be suspended.

As I have noted several times before, this bill does not require the expenditure of significant amounts of Federal money. Through this bill, the propane industry is looking for ways to help itself, not a Government handout. I believe it is appropriate for industry, rather than the Government, to fund most of the research on commercial applications of new technologies which will benefit that industry.

I appreciate the hard work Mr. TAUZIN has done on this bill, and I look forward to working with him to keep this bill moving forward.

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

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of H.R. 1514, the Propane Education and Research Act.

As Chairman SCHAEFER noted, this bill authorizes the propane industry to establish a propane checkoff fee to fund propane research, development, and education, including propane safety. Among other things, the bill establishes boundaries and obligations on the use of the collected funds and requires the Secretary of Commerce to report on propane prices and demand in the marketplace.

I am a cosponsor of this bill. I believe that the authorization of privately

funded research into improving the safety of propane use is important to the public. I also endorse research into propane's potential benefits for the environment. We cannot afford to overlook any alternative in our energy mix, and this bill will help maximize the benefits of this fuel.

I commend the bill's author, Mr. TAUZIN, and the propane industry for working to move this bill forward. This legislation was unanimously reported by the Commerce Committee on June 27, and I believe it has at this time, some 230 cosponsors on both sides of the aisle, including many members of the Commerce Committee.

I know of no objections to H.R. 1514 on this side of the aisle, and I would urge my colleagues to support it.

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

□ 1245

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

I would first of all thank the gentleman from New Jersey [Mr. PALLONE] for his support on this very, very important legislation. Clean fuel I think is something that we have to look forward to in the future of this country, as well as alternative fuels. We certainly want to go on record as supporting that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN], the chief sponsor of the bill, who has been pushing this for a long time.

Mr. TAUZIN. Mr. Speaker, let me first thank Chairman SCHAEFER for shepherding this bill to the House floor today and for all his extraordinary cooperation and support, and I particularly want to say the same thing for the gentleman from New Jersey, Mr. PALLONE, the ranking minority member, who has been a sponsor and a very good friend for many years and a very strong supporter of this effort. I want to thank the gentleman for all his personal efforts in making this a bipartisan bill that has broad, in fact, bipartisan support from nearly 231 cosponsors in the House, Democrats and Republicans coming together behind a bill that makes just good common sense.

This bill has 34 cosponsors in the U.S. Senate, led by Senator DOMENICI. It has large support in this body. It is similar to the bill we offered in the last Congress. It was not acted upon before the Congress adjourned. We learned from last Congress' efforts and we have made improvements in this bill.

Propane, as the Speaker knows, is an incredibly important fuel for many Americans—60 million Americans use propane. It is economical and it is environmentally sound. It is used by 7.7 million homes for cooking and hot water heating. It is used by one-half of all American farmers to dry crops, power tractors, and warm greenhouses, and it is used for recreational purposes by tens of millions of people for outdoor cooking, camping, and recreational vehicles.

It is one of the very few fuels that does not receive Federal money in support of education, research, safety, and marketing efforts. And so this bill represents the best example of private funded research programs in America. It simply gives the propane industry, from the producers to the marketers and suppliers, an opportunity themselves to put together a research, education, safety, and marketing program for this critically important fuel for America.

Again, it is a bill that has broad support not only in the industry but among so many Americans and so many Members of this House and the body on the other side. I want to thank the chairman of the committee for bringing it forward, and I particularly again want to single out the gentleman from New Jersey [Mr. PALLONE] for his extraordinary efforts in cooperation, and urge adoption of the bill.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1514.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

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

Mr. SCHAEFER. Mr. Speaker, I again thank both the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Louisiana [Mr. TAUZIN] for working with us on this very, very important piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WAIVING MEDICAID ENROLLMENT COMPOSITION

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3871) to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

The Clerk read as follows:

H.R. 3871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF 75/25 MEDICAID ENROLLMENT RULE FOR CERTAIN MANAGED CARE ORGANIZATIONS.

The requirement of section 1903(m)(2)(A)(ii) of the Social Security Act is waived—

(1) with respect to Catholic Health Services Plan of Brooklyn and Queens, Inc. (doing business as Fidelis Health Plan) and Managed Healthcare Systems of New York, Inc., for contract periods through January 1, 1999, and

(2) with respect to Health Partners of Philadelphia, Inc., for contract periods through December 31, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. TAUZIN. Mr. Speaker, on behalf of Chairman BLILEY and Chairman BILIRAKIS, I bring to the floor H.R. 3871 and urge support of the measure.

H.R. 3871 amends title 19 of the Social Security Act to extend 3 existing 75–25 percent waivers of section 1903. Section 1903 is the section of the current Medicaid law that requires that Medicaid beneficiaries constitute less than 75 percent of the membership of any prepaid health maintenance organization.

A present, a number of States and health plans are operating under federally approved waivers of this section. The bill we are considering today extends those 75–25 waivers held by 3 of these plans: Health Partners of Philadelphia, Fidelis Health Plan of New York, and Managed Healthcare Systems of New York.

Health Partners of Philadelphia is a not-for-profit voluntary health maintenance organization comprised of local teaching hospitals. It is independently licensed by the Commonwealth of Pennsylvania and fully accredited by the National Committee for Quality Assurance. It serves approximately 87,000 Medicaid recipients and 250 commercially enrolled individuals in Philadelphia and the surrounding area.

While Health Partners' chief focus is on primary care, health education and prevention, it also provides transportation services, expanded vision and dental benefits, multilingual capability, 24-hour access to mental health and substance abuse treatment, as well as home visits for new and expectant mothers and fathers.

Fidelis Health Plan, operated by the Catholic Health Services Plan of Brooklyn and Queens, was established by the Catholic medical center which serves those two areas. The principal focus of the care provided by Fidelis to its 19,960 Medicaid recipients is primarily in preventive care as well as health education. Enrollees elect their own primary care practitioner who serves as personal provider and coordinates the primary and specialty care they receive through the plan.

Finally, Managed Healthcare Systems of New York, a minority-controlled managed care company founded

in 1994, serves nearly 39,000 enrollees in Brooklyn and Queens. MHS' primary and preventive care and health education services are conducted with the use of mobile health vans, a school-based health center, an after-school learning center, newly established primary care clinics, as well as community outreach efforts for pregnancy, asthma, diabetes, sickle cell anemia, tuberculosis, and HIV/AIDS.

I urge my colleagues to support this noncontroversial measure so that we can continue to improve the services that Medicaid beneficiaries receive.

Mr. Speaker, I would like to thank the gentleman from New Jersey [Mr. PALLONE] for his efforts and those of the minority in bringing this bill forward.

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

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

We have no objection to passage of H.R. 3871 before us today on the Suspension Calendar. As was mentioned by the gentleman from Louisiana [Mr. TAUZIN], the bill amends the section of current Medicaid law which requires that Medicaid beneficiaries cannot constitute more than 75 percent of the membership of any prepaid health maintenance organization.

Basically 3 plans, Health Partners of Philadelphia, Fidelis Health Plan of New York, and Managed Healthcare Systems of New York, would continue operating under their federally approved waiver of this provision for an additional 2 years, and under the conditions of the waiver the Health Care Financing Administration will continue to monitor these plans to ensure that these Medicaid beneficiaries are receiving appropriate quality care.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I rise to express my strong support for H.R. 3871. Under this legislation, the Catholic Health Services Plan of Brooklyn and Queens, also known as Fidelis Care, and the Managed Healthcare Systems of New York would have their current waiver of the 75–25 Medicaid requirements extended through January 1, 1999.

Fidelis Care began enrolling members in Queens in November 1994 by providing a prepaid health services plan.

With a current enrollment of 18,960, the plan provides a comprehensive package of benefits available to all its members. The Catholic Medical Center of Brooklyn and Queens, which sponsors Fidelis Care, provides excellent health care services to my constituents. This legislation would allow them to continue to deliver their quality health services to the communities of Queens and Brooklyn.

This legislation also addresses the Managed Healthcare System of New York which has been a true community organization by serving Brooklyn since January 1994.

Currently serving 39,000 enrollees in Brooklyn and Queens, MHS brings high quality managed care to inner-city communities. Many programs provided by MHS are available to all residents of the community, regardless if they are members of MHS.

I commend my colleagues, Mr. TOWNS, FRANKS, and GREENWOOD, for their efforts in crafting H.R. 3871 and I look forward to the passage of this simple, yet important legislation.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me this time, and I thank the chairman and the ranking member for this legislation.

Mr. Speaker, this legislation does not directly affect the District of Columbia but rather 3 plans in Philadelphia and New York. Yet I feel compelled to come to the floor to rise in strong support of H.R. 3871, in a real sense, as they say ''in the street,'' because we have been there and done that.

For a number of years we have had a similar plan in the District which, at low cost, rendered exceptional care to Medicaid recipients. It took an enormous amount of work to get a waiver. I am particularly grateful to the committee for its help in obtaining that waiver for Chartered Health Care that goes until October 1, 1999.

I simply would like to bring out the larger issue involved in what may look like a private bill. It is not that at all. These plans have to come here because of the way the statute is structured.

The notion that at least 25 percent in a plan have to come from the commercial sector, from private parties, like us, and not only from welfare recipients, is very well-intentioned, particularly if you recall Medicaid mills, some of which perhaps still exist today. The problem, of course, which this proxy for quality is that these plans serve largely inner city residents. They are not a part of larger organizations like Blue Cross and Blue Shield, and so they encounter great difficulty when they try to recruit 25 percent of their clientele from people who are already attached to Blue Cross and Blue Shield or larger operations or HMO's near their own workplaces.

The disabilities that come with not getting this waiver are great and are passed onto cities and ultimately to us and to the Federal Government. They cannot borrow as easily, they pay higher interest pending a waiver, but they are doing a remarkable service. They behave like managed care organizations but they have to be paid on a fee-for-service model without these waivers.

Health Care Financing Administration of course, monitors these organizations, and so this legislation carried no risk, but what it does do is free these organizations to do the job that must be done in the inner cities to keep people from going to emergency rooms and going to doctors who charge too much. I commend both sides for the work they have done on this bill.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3871.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I would like to join my colleagues in supporting H.R. 3871. This measure amends section 1903 of the Social Security Act to extend the ''75–25'' waivers of three worthy health plans. As such, it represents a positive step in our efforts to build a better Medicaid Program.

In the past, the Federal Medicaid statute has been amended to address needs and concerns specific to the role of health maintenance organizations [HMO's] in the Medicaid Program. As in the commercial sector, HMO's increasingly play a valued role in providing high-quality, efficient health care services. Nevertheless, there have been instances where intervention has been necessary.

Early State experimentation with managed care resulted in occasional reports of inaccurate information dissemination to enrollees, restricted access to nonparticipating providers, inconsistent provision of benefits, and, in certain cases, financial instability of the enrolling plan.

In response, Congress has undertaken various actions over the last 20 years to ensure that all managed care enrollees receive the quality care for which the industry is known. Unfortunately, certain unintended consequences resulted.

For example, the Health Maintenance Organization Amendments of 1976, which limited the percentage of Medicaid and Medicare beneficiaries enrolled in risk contracts to 50 percent, had the unintended effect of sharply limiting managed care enrollment by Medicaid beneficiaries. In fact, by 1981 little more than 1 percent of the Medicaid population were enrolled in HMO's. Just as startling, 85 percent of those beneficiaries were located in just four States.

Congress sought to correct this problem in the Omnibus Budget Reconciliation Act of 1981 which, among other changes, increased the allowable percentage of Medicaid beneficiaries that could be enrolled in HMO's from 50 percent to 75 percent.

But as we have seen in far too many instances, current Medicaid law still creates significant obstacles for plans that focus on the needs of low-income communities. Although these plans have achieved notable success in enhancing the quality of care received by area Medicaid beneficiaries, they have been less successful in attracting commercial clients from outlying areas.

The current law requirement that one-quarter of their enrolled population consist of such customers, therefore, often places them in the difficult position of having to choose between devoting resources to their Medicaid-funded enrollees or to the expense of competing against broader-based firms for commercial clients.

Clearly, fundamental reform of the Medicaid Program is needed. Until such time as a more favorable climate for such reform exists, however, measures like H.R. 3871 are necessary

to relieve well-performing health plans of the unreasonable and often counterproductive requirements of title XIX.

In this case, I am glad to say, we will remove the obstacles that threaten three noteworthy plans: Health Partners of Philadelphia, Fidelis Health Plan—operated by the Catholic Health Services Plan of Brooklyn and Queens—and Managed Healthcare Systems of New York.

I commend my colleagues on both sides of the aisle for supporting this measure. With it, the Medicaid recipients of the Philadelphia and New York City regions will continue to receive high-quality, efficient, and responsive health care services.

I thank you.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 3871.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1300

IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. CUNNINGHAM. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3269) to amend the Impact Aid Program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

''(g) FORMER DISTRICTS.—

''(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.

''(h) HOLD-HARMLESS AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay under subsection (b) to a local educational agency that is otherwise eligible for a payment under this section—

''(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

''(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

''(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

''(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

''(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

''(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.''.

SEC. 2. APPLICATIONS FOR INCREASED PAYMENTS.

(a) PAYMENTS.—Notwithstanding any other provision of law—

(1) the Bonesteel-Fairfax School District Number 26–5, South Dakota, and the Wagner Community School District Number 11–4, South Dakota, shall be eligible to apply for payment for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994); and

(2) the Secretary of Education shall use a subgroup of 10 or more generally comparable local educational agencies for the purpose of calculating a payment described in paragraph (1) for a local educational agency described in such paragraph.

(b) APPLICATION.—In order to be eligible to receive a payment described in subsection (a), a school district described in such subsection shall apply for such payment within 30 days after the date of enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency that received a payment under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994) for fiscal year 1994 to return such payment or a portion of such payment to the Federal Government.

SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following new paragraph:

''(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following new paragraph:

''(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(B), (1)(C), and (2) of this subsection, and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

''(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

''(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

''(ii) the Secretary shall then—

''(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

''(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.

SEC. 5. DATA AND DETERMINATION OF AVAILABLE FUNDS.

(a) DATA.—Paragraph (4) of section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) is amended—

(1) in the heading, by striking ''CURRENT YEAR'';

(2) by amending subparagraph (A) to read as follows:

''(A) shall use student, revenue, and tax data from the second fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this subsection;''; and

(3) in subparagraph (B), by striking ''such year'' and inserting ''the fiscal year for which the local educational agency is applying for assistance under this subsection''.

(b) DETERMINATION OF AVAILABLE FUNDS.—Paragraph (3) of section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) is amended—

(1) in the matter preceding subclause (I) of subparagraph (A)(iii), by inserting '', except as provided in subparagraph (C),'' after ''but''; and

(2) by adding at the end the following new subparagraph:

''(C) DETERMINATION OF AVAILABLE FUNDS.—When determining the amount of funds available to the local educational agency for current expenditures for purposes of subparagraph (A)(iii) for a fiscal year, the Secretary shall include, with respect to the local educational

agency's opening cash balance for such fiscal year, the portion of such balance that is the greater of—

''(i) the amount that exceeds the maximum amount of funds for current expenditures that the local educational agency was allowed by State law to carry over from the prior fiscal year, if State restrictions on such amounts were applied uniformly to all local educational agencies in the State; or

''(ii) the amount that exceeds 30 percent of the local educational agency's operating costs for the prior fiscal year.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to fiscal years after fiscal year 1996.

SEC. 6. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) (as amended by section 1) is further amended by adding at the end thereof the following new subsection:

''(i) PRIORITY PAYMENTS.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996, the Secretary shall first use such excess amount to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency that—

''(1) received a payment under this section for fiscal year 1996;

''(2) serves a school district that contains all or a portion of a United States military academy;

''(3) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

''(4) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.''.

SEC. 7. TREATMENT OF IMPACT AID PAYMENTS.

(a) IN GENERAL.—The Secretary of Education shall treat any State as having met the requirements of section 5(d)(2)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1991 (as such section was in effect for such fiscal year), and as not having met those requirements for each of the fiscal years 1992, 1993, and 1994 (as such section was in effect for fiscal year 1992, 1993, and 1994, respectively), if—

(1) the State's program of State aid was not certified by the Secretary under section 5(d)(2)(C)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) for any fiscal year prior to fiscal year 1991;

(2) the State submitted timely notice under that section of the State's intention to seek that certification for fiscal year 1991;

(3) the Secretary determined that the State did not meet the requirements of section 5(d)(2)(A) of such Act for fiscal year 1991; and

(4) the State made a payment to each local educational agency in the State (other than a local educational agency that received a payment under section 3(d)(2)(B) of such Act for fiscal year 1991) in an amount equal to the difference between the amount such agency received under such Act for fiscal year 1991 and the amount such agency would have received under such Act for fiscal year 1991 if payments under such Act had not been taken into consideration in awarding State aid to such agencies for fiscal year 1991.

(b) REPAYMENT NOT REQUIRED.—Notwithstanding any other provision of law, any local educational agency in a State that meets the requirements of paragraphs (1) through (4) of subsection (a) and that received funds under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1991 (as such section was in effect for such fiscal year) shall not, by virtue of subsection (a), be required to repay those funds to the Secretary of Education.

SEC. 8. SPECIAL RULE RELATING TO AVAILABILITY OF FUNDS FOR THE LOCAL EDUCATIONAL AGENCY SERVING THE NORTH HANOVER TOWNSHIP PUBLIC SCHOOLS, NEW JERSEY, UNDER PUBLIC LAW 874, 81ST CONGRESS.

The Secretary of Education shall not consider any funds that the Secretary of Education determines the local educational agency serving the North Hanover Township Public Schools, New Jersey, has designated for a future liability under an early retirement incentive program as funds available to such local educational agency for purposes of determining the eligibility of such local educational agency for a payment for fiscal year 1994, or the amount of any such payment, under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress), as such section was in effect for such fiscal year.

SEC. 9. CORRECTED LOCAL CONTRIBUTION RATE.

(a) COMPUTATION.—The Secretary of Education shall compute a payment for a local educational agency under the Act of September 30, 1950 (Public Law 874, 81st Congress) for each of the fiscal years 1991 through 1994 (as such Act was in effect for each of those fiscal years, as the case may be) using a corrected local contribution rate based on generally comparable school districts, if—

(1) an incorrect local contribution rate was submitted to the Secretary of Education by the State in which such agency is located, and the incorrect local contribution rate was verified as correct by the Secretary of Education; and

(2) the corrected local contribution rate is subject to review by the Secretary of Education.

(b) PAYMENT.—Using funds appropriated under the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1991 through 1994 that remain available for obligation (if any), the Secretary of Education shall make payments based on the computations described in subsection (a) to the local educational agency for such fiscal years.

SEC. 10. STATE EQUALIZATION PLANS.

Subparagraph (A) of section 8009(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(b)(2)) is amended by striking ''more than'' and all that follows through the period and inserting ''more than 25 percent.''.

The SPEAKER pro tempore (Mr. WICKER). Pursuant to the rule, the gentleman from California [Mr. CUNNINGHAM] and the gentleman from Oregon [Mr. BLUMENAUER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in favor of H.R. 3269, the Impact Aid Technical Amendments Act.

Mr. Speaker, the Federal Government has a responsibility to children attending schools that lose tax revenues associated with a Government facility, such as a military base. That is why we have impact aid. What happens is many times someone in the military will sign up in one State and maintain their residency there. They pay their State taxes to that State. They then receive orders to another State and their children may attend school in that new State. But the tax revenue does not follow them. This is what impact aid does. It equals out the amount of the impact on those schools.

Unfortunately, parts of the impact aid law last authorized in the 103rd Congress are having unintended effects or are failing to keep up with changing circumstances. Some school districts may not receive the impact aid that their circumstances demand, so H.R. 3269 makes minor technical corrections in the impact aid law so that federally impacted school districts are treated fairly.

H.R. 3269 was adopted by voice vote in the House on May 7, 1996. It made four changes in the impact aid law. Two were related to Federal property payments, one addressed the effects of military housing renovation, and the last clarified the intent of Congress with regard to impact aid payments to Hawaii.

The Senate made additional technical changes, which I support. They include a long overdue adjustment for schools near West Point in New York; a technical change involving the effects of a heavily impacted New Jersey school pension escrow account upon its impact aid payment in a previous fiscal year; a matter affecting a small number of schools in South Dakota; a provision previously adopted by the Senate regarding impact aid within the State of Nebraska; and a delay in the equalization mandate for schools in the States of Kansas and Alaska.

Mr. Speaker, in developing this legislation, we sought to include minor technical corrections in three categories: unintended consequences of the previous authorization, areas where the Department interpreted Congressional intent in an unintended way, and issues unforeseen by the 103rd Congress. It is not a comprehensive correction, particularly when one considers the many new ways the military is arranging family housing.

Mr. Speaker, I urge adoption of H.R. 3269, the Impact Aid Technical Amendments, so we can send it to the President to become law.

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

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3269, the Impact Aid Technical Amendments of 1996. The Impact Aid Program was reauthorized during the 103d Congress. At that time, significant changes were made to the existing Impact Aid Program which greatly enhanced its operation.

During this Congress, the Committee on Economic and Educational Opportunities held a hearing to review how the changes in the Impact Aid Program were being carried out. We discovered that on the whole, the Impact Aid Program is functioning much more effectively as a result of the changes made during the 103d Congress. However, we also discovered certain situations where there was a need for minor corrections, H.R. 3269 makes the necessary

technical corrections to further enhance the operation of the Impact Aid Program and I urge my colleagues to support the bill.

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

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume for a colloquy with the gentleman from Illinois [Mr. FAWELL].

I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the chairman for yielding. I regret that I have not had the opportunity to take a good long look at the details at least, or the ramifications of the amendment that was affixed to this bill in the Senate.

I represent several school districts in my district back in Illinois which receive section 8002 funds, and I am very concerned that an amendment, or the amendment that was affixed to this bill in the Senate would essentially provide that a large portion of new funding, I guess we cannot ascertain just how much, for this program would go to one particular school district in 1997, and, more importantly, every fiscal year thereafter.

That does concern me, because, of course, there are a lot of districts throughout this country who are not getting full funding as it is right now, and if all future increases in appropriations were to be subject to this amendment, I think I would have to object.

I would request, therefore, of the chairman, and perhaps the ranking member might want to have something to say about this, that we revisit this issue at a later date, with the understanding that an adjustment would be made so that the changes in the distribution formula are not in effect for every increase in appropriations for future fiscal years, but would be basically in effect only for the fiscal year that we are dealing with, fiscal year 1997, and not for future fiscal years. That is the deep concern I have.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, the gentleman is correct. There will be other changes in the future. This is one. That particular school district was West Point, which is one of our academies that was impacted due to a special significance. It was not my district or any particular district, but it was a military academy that was being affected.

But I agree. To be fair, we need to make sure that one district does not get all of the dollars, and that it is equalized. We will revisit this in the next Congress.

Mr. FAWELL. Mr. Speaker, I thank the chairman. So there would be an assumption that we would limit the benefits of this bill, insofar as that one particular district is concerned, to the increase in appropriations for this fiscal year, and not for future fiscal years.

Mr. CUNNINGHAM. The gentleman is correct.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in a colloquy just heard between the gentleman from California, Mr. CUNNINGHAM, and the gentleman from Illinois, Mr. FAWELL, a request on the part of Mr. FAWELL was that we revisit the issue of impact aid in the future Congresses. I would remind all Members that we revisit the issue of impact aid in every Congress, and I am glad we are revisiting it in this Congress.

Mr. Speaker, I compliment the gentleman from California, Mr. CUNNINGHAM, and the gentleman from Pennsylvania, the chairman of the full committee, Mr. GOODLING, for the job they have done in recognizing there are and were and probably will be some inequities in this very complicated formula.

Mr. Speaker, what makes it complicated is that in each State, because each State and locality has a different method of funding their schools, from time to time the Federal formula does not work as we would intend it to. Therefore, from time to time we need to make changes and modifications and adjustments to the formula.

In one case in particular, for example, in New Jersey, it happens to be in my district, North Hanover Township, there is the school that provides the educational facilities and programs for the boys and girls who are dependents of the Air Force families at McGuire Air Force Base. North Hanover Township has 85 percent of its student body which comes from military dependents from McGuire Air Force Base. In this case, in 1994 the North Hanover school district lost or did not receive almost $2 million which was intended to support those military dependent children. So this bill makes that correction and restores those funds for this school and benefits a large number of military dependent children.

Mr. Speaker, I think this is a very fine effort on the part of this Congress and in particular on the part of the gentleman from California [Mr. CUNNINGHAM] and the gentleman from Pennsylvania [Mr. GOODLING], and I urge support for this bill.

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all I would say is some of the things we work with in Congress are on a bipartisan basis, and this is one of them. Quite often when you are taking a look at the amount of dollars available from the Federal Government to go to specific programs, then we can reach a consensus on both sides of the aisle.

I would like to thank the new gentleman to the committee, the gentleman from Oregon [Mr. BLUMENAUER], for his partnership, as well as the gentlewoman from Hawaii [Mrs. MINK], who has worked diligently on this particular bill, and the gentlewoman from New York [Mrs. KELLY], and a host of others.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CUNNINGHAM] that the House suspend the rules and concur in the Senate amendment to H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 3269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL ACCOUNTING OFFICE ACT OF 1996

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3864) to reform the management practices of the General Accounting Office, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''General Accounting Office Act of 1996''.

TITLE I—AMENDMENTS TO LAWS AUTHORIZING AUDITING, REPORTING, AND OTHER FUNCTIONS BY THE GENERAL ACCOUNTING OFFICE

SEC. 101. TRANSFERS AND TERMINATIONS OF FUNCTIONS.

(a) IN GENERAL.—

(1) FUNCTIONS TRANSFERRED.—In any case in which a provision of law authorizing the performance of a function by the Comptroller General of the United States or the General Accounting Office is amended by this title to substitute another Federal officer, employee, or agency in that authorization, the authority under that provision to perform that function is transferred to the other Federal officer, employee, or agency.

(2) FUNCTIONS TERMINATED.—In any case in which a provision of law authorizing the performance of a function by the Comptroller General of the United States or the General Accounting Office is repealed by this Act, the authority under that provision to perform that function is terminated.

(3) DELEGATION OF FUNCTIONS.—The Director of the Office of Management and Budget may delegate, in whole or in part, to any other agency or agencies any function transferred to or vested in the Director under section 103(d), 105(b), 116, or 202(n) of this Act,

and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to subsection (b) of this section that relate to the delegated functions.

(b) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—Incident to any transfer of authority under subsection (a)(1), there shall be transferred to the recipient Federal officer, employee, or agency such personnel, records, budget authority, and property of the General Accounting Office as the Comptroller General and the Director of the Office of Management and Budget jointly determine to be necessary to effectuate the transfer.

(2) EFFECT ON PERSONNEL.—Personnel transferred under this section shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

(c) REFERENCES.—With respect to any function or authority transferred under this Act and exercised on or after the effective date of that transfer, reference in any Federal law to the Comptroller General or to any officer or employee of the General Accounting Office is deemed to refer to the Federal officer or agency to which the function or authority is transferred under this Act.

(d) SAVINGS PROVISIONS.—

(1) ORDERS AND OTHER OFFICIAL ACTIONS NOT AFFECTED.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective by the Comptroller General or any official of the General Accounting Office, or by a court of competent jurisdiction, in the performance of any function or authority transferred under this Act, and

(B) which are in effect at the time of the transfer;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

(2) PENDING MATTERS AND PROCEEDINGS.—This Act shall not affect any pending matters or proceedings, including notices of proposed rulemaking, relating to a function or authority transferred under this Act. Such matters or proceedings shall continue under the authority of the agency to which the function or authority is transferred until completed or terminated in accordance with law.

(3) JUDICIAL PROCEEDINGS AND CAUSES OF ACTIONS.—No suit, action, or other proceeding or cause of action relating to a function or authority transferred under this Act shall abate by reason of the enactment of this Act. If, before the date on which a transfer of a function or authority this Act takes effect, the Comptroller General of the United States or any officer or employee of the General Accounting Office in their official capacity is party to a suit relating to the function or authority, then such suit shall be continued and the head of the agency to which the function or authority is transferred, or other appropriate official of that agency, shall be substituted or added as a party.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title shall take effect on the date of enactment of this Act.

(2) EXCEPTIONS.—Sections 103(d), 105(b), and 116 shall take effect 60 days after the date of enactment of this Act.

SEC. 102. AMENDMENTS RELATING TO TITLE 2, UNITED STATES CODE (THE CONGRESS).

(a) COMPLIANCE REPORTING ON REDUCTION IN EMPLOYEE POSITIONS.—Section 307(c) of the Legislative Branch Appropriations Act, 1994 (Public Law 103–69; 107 Stat. 710; 2 U.S.C. 60–1 note) is amended by striking ''shall'' and inserting ''may''.

(b) WAIVER OF ERRONEOUS PAYMENTS IN THE SENATE.—Section 2(a) of the Act of July 25, 1974 (Public Law 93–359; 88 Stat. 394; 2 U.S.C. 130c(a)) is amended—

(1) in the first sentence by striking '', if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official''; and

(2) in the third sentence by striking ''shall'' the first place it appears and inserting ''may''.

(c) WAIVER OF ERRONEOUS PAYMENTS IN THE HOUSE OF REPRESENTATIVES.—Section 3(a) of the Act of July 25, 1974 (Public Law 93–359; 88 Stat. 395; 2 U.S.C. 130d(a)) is amended, in the first sentence, by striking '', if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official''.

(d) REPORT ON SEQUESTRATION OF FUNDS TO MEET DEFICIT REDUCTION GOALS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) is amended—

(1) in subsection (a), by striking:

''30 days later GAO compliance report.'';

and

(2) in subsection (i), by striking ''On the date specified in subsection (a)'' and inserting ''Upon request of the Committee on the Budget of the House of Representatives or the Senate''.

SEC. 103. AMENDMENTS RELATING TO TITLE 5, UNITED STATES CODE (GOVERNMENT ORGANIZATION AND EMPLOYEES).

(a) TRANSMITTAL OF REPORTS.—Section 1213(e) of title 5, United States Code, is amended—

(1) in paragraph (3) by striking the comma after ''President'' and inserting ''and'', and by striking '', and the Comptroller General''; and

(2) in paragraph (4) by striking the comma after ''President'' and inserting ''and'', and by striking '', and the Comptroller General''.

(b) WITHHOLDING OF PAY.—Section 5512(b) of title 5, United States Code, is amended by striking ''General Accounting Office'' and inserting ''employing agency''.

(c) DESIGNATION OF BENEFICIARY.—Section 5582(a) of title 5, United States Code, is amended by striking the second sentence and inserting the following: ''An employee may change or revoke a designation at any time under regulations promulgated—

''(1) by the Director of the Office of Personnel Management or his designee, in the case of an employee of an executive agency;

''(2) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, in the case of an employee of the legislative branch; and

''(3) by the Chief Justice of the United States or his or her designee, in the case of an employee of the judicial branch.''.

(d) WAIVER OF ERRONEOUS PAYMENTS.—Section 5584 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''Comptroller General of the United States'' and inserting ''authorized official''; and

(B) in paragraph (2) by inserting ''and'' at the end of subparagraph (A), by striking subparagraph (B), by redesignating subparagraph (C) as subparagraph (B), and by striking ''Comptroller General'' in subparagraph (B) (as so redesignated) and inserting ''authorized official'';

(2) in subsection (b) by striking ''Comptroller General'' and inserting ''authorized official''; and

(3) by adding at the end the following new subsection:

''(g) For the purpose of this section, the term 'authorized official' means—

''(1) the head of an agency, with respect to an agency or employee in the legislative branch; or

''(2) the Director of the Office of Management and Budget, with respect to any other agency or employee.''.

(e) REGULATIONS AND REPORTS.—Section 5707(b)(1)(A) of title 5, United States Code, is amended by striking ''the Comptroller General of the United States,''.

(f) GAO AUDIT OF AGENCY COMPLIANCE.—Section 5(b) of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 5 U.S.C. 5707 note) is repealed.

(g) PROCEDURES FOR DEPOSIT OF EMPLOYEES' CONTRIBUTIONS TO RETIREMENT FUNDS.—Sections 8334(a)(2), 8422(c), and 8432(f) of title 5, United States Code, are each amended by striking ''Comptroller General of the United States'' and inserting ''Secretary of the Treasury''.

(h) TRANSMITTAL OF COPY OF REPORT ON THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—Section 8348(l) of title 5, United States Code, is amended by striking the last sentence in paragraph (1).

(i) TRANSMITTAL OF COPY OF REPORT ON THE THRIFT SAVINGS FUND.—Section 8438(h) of title 5, United States Code, is amended by striking ''and the Comptroller General of the United States'' in the last sentence of paragraph (1).

(j) RECEIPT OF COPY OF CPA EXAMINATION OF THRIFT SAVINGS FUND.—Section 8439(b)(3) of title 5, United States Code, is amended by striking ''and the Comptroller General of the United States''.

SEC. 104. AMENDMENTS RELATING TO TITLE 7, UNITED STATES CODE (AGRICULTURE).

(a) AUDIT OF WASHINGTON FAMILY INDEPENDENCE DEMONSTRATION PROJECT.—Section 21(g) of the Food Stamp Act of 1977 (7 U.S.C. 2030(g)) is amended by striking ''shall'' and inserting ''may''.

(b) REPORTS ON AMOUNTS OBLIGATED AND EXPENDED BY DEPARTMENT OF AGRICULTURE FOR ADVISORY SERVICES.—Section 641 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990 (7 U.S.C. 2207a) is amended—

(1) in subsection (a)—

(A) by striking ''(1)'' after ''(a)'';

(B) by striking ''shall (A) submit'' and inserting ''shall submit''; and

(C) by striking '', and (B) transmit a copy of such report to the Comptroller General of the United States'';

(2) by striking subsection (b);

(3) by redesignating paragraph (2) of subsection (a) as subsection (b); and

(4) in subsection (b) (as so redesignated)—

(A) by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

SEC. 105. AMENDMENTS TO TITLE 10, UNITED STATES CODE (ARMED FORCES).

(a) WAIVER OF RECOVERY OF ERRONEOUS ANNUITY PAYMENTS.—Sections 1442 and 1453 of title 10, United States Code, are amended by striking ''and the Comptroller General''.

(b) WAIVER OF RECOVERY OF ERRONEOUS OVERPAYMENTS.—Section 2774 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Comptroller General'' and inserting ''Director of the Office of Management and Budget''; and

(B) in paragraph (2), by inserting ''and'' at the end of subparagraph (A), striking subparagraph (B), redesignating subparagraph

(C) as subparagraph (B), and in that subparagraph (as so redesignated), striking ''Comptroller General'' and inserting ''Director of the Office of Management and Budget''; and

(2) in subsection (b), by striking ''The Comptroller General'' and inserting ''The Director of the Office of Management and Budget''.

(c) CERTIFICATION TO COMPTROLLER GENERAL OF UNCOLLECTABILITY OF ADVANCES.—Section 2777(b)(2)(B) of such title is amended by striking ''to the Comptroller General''.

(d) MAINTAINING ACCOUNTS OF MILITARY DEPARTMENTS.—Section 2778 of such title is repealed, and the table of sections at the beginning of chapter 165 of such title is amended by striking the item relating to that section.

(e) RADIOGRAMS AND TELEGRAMS.—Sections 4592 and 9592 of such title are amended by striking '', or may file a claim with the General Accounting Office for'' in the second sentence and inserting ''of''.

SEC. 106. AMENDMENTS RELATING TO TITLE 12, UNITED STATES CODE (BANKS AND BANKING).

(a) REPORT ON PREPURCHASE AND FORECLOSURE-PREVENTION COUNSELING DEMONSTRATION.—Section 106(d) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)) is amended—

(1) by striking paragraph (9);

(2) in paragraph (5)(A), by striking ''(10)(K)'' and inserting ''(9)'';

(3) in paragraph (8), by striking ''(for purposes of the study and report under paragraph (9))''; and

(4) by redesignating paragraphs (10), (11), (12), and (13) as paragraphs (9), (10), (11), and (12), respectively.

(b) ANNUAL GAO COMPLIANCE AUDIT.—

(1) IN GENERAL.—Section 141(a)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1823 note) is amended by striking ''shall annually audit'' and inserting ''shall audit, under such conditions as the Comptroller General determines to be appropriate,''.

(2) CLERICAL AMENDMENT.—The heading for paragraph (2) of section 141(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1823 note) is amended by striking ''ANNUAL GAO'' and inserting ''GAO''.

(c) QUARTERLY REPORT ON FDIC COMPLIANCE WITH LIMITS ON OUTSTANDING OBLIGATIONS.—Section 102 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1825 note) is amended by striking subsection (b).

(d) PROMPT CORRECTIVE ACTION: GAO REVIEW.—Section 38(k)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1831o(k)(5)) is amended to read as follows:

''(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate, review reports made under paragraph (1) and recommend improvements in the supervision of insured depository institutions (including the implementation of this section).''.

(e) GAO REPORTS ON RISK-BASED INSURANCE PREMIUMS, ACCESS TO ASSOCIATION CAPITAL, AND SUPPLEMENTAL PREMIUMS.—Section 204(a) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (Public Law 102–552; 106 Stat. 4106; 12 U.S.C. 2277a–4 note) is amended by striking ''shall'' and inserting ''may''.

(f) REVIEW OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION GUARANTEE FEES.—Section 8.10(b)(4) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–10(b)(4)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REVIEW'' and inserting ''REVIEW''; and

(2) by striking ''shall annually'' and inserting ''may''.

(g) GAO STUDIES OF APPRAISALS.—

(1) IN GENERAL.—Section 1112(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341) is amended—

(A) in paragraph (1), by striking ''At the end of the 18-month period'' and all that follows through ''study'' and inserting ''The Comptroller General of the United States may conduct, under such conditions as the Comptroller General determines appropriate, studies''; and

(B) in paragraph (2), by striking ''required under'' and inserting ''referred to in''.

(2) CLERICAL AMENDMENT.—The heading for section 1112(c)(1) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(c)(1)) is amended by striking ''STUDY REQUIRED'' and inserting ''GAO STUDIES''.

(h) AUDIT OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.—Section 1319E of the Housing and Community Development Act of 1992 (12 U.S.C. 4524) is amended—

(1) in the first sentence—

(A) by striking ''shall'' and inserting ''may''; and

(B) by inserting '', and any such audit shall be conducted'' after ''Office''; and

(2) by striking the last sentence.

(i) SHARING OF INFORMATION.—Section 11(t) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)) is amended by adding at the end of paragraph (2)(A) the following new clause:

''(vi) The General Accounting Office.''.

SEC. 107. AMENDMENT RELATING TO TITLE 15, UNITED STATES CODE (COMMERCE AND TRADE).

Section 31(b)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2227(b)(1)(B)) is amended by striking clause (iii).

SEC. 108. AMENDMENTS RELATING TO TITLE 16, UNITED STATES CODE (CONSERVATION).

(a) LICENSES FOR DEVELOPMENT OF WATER RESOURCES.—Section 6 of the Federal Power Act (16 U.S.C. 799) is amended by striking the last sentence.

(b) AUDIT OF THE BROWNSVILLE WETLANDS POLICY CENTER.—Section 202(d)(4) of the Brownsville Wetlands Policy Act of 1994 (108 Stat. 338) is repealed.

(c) AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATION.—Section 211 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended—

(1) by striking ''Comptroller General of the United States'' and inserting ''Inspector General of the Department of the Interior''; and

(2) by striking ''in accordance with regulations which the Comptroller General shall prescribe''.

(d) REPORT ON GLEN CANYON COSTS AND BENEFITS.—Section 1804 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

SEC. 109. AMENDMENTS RELATING TO TITLE 18, UNITED STATES CODE (CRIMES AND CRIMINAL PROCEDURE).

(a) PRESIDENTIAL PROTECTION ASSISTANCE: DETERMINATION OF FAIR MARKET VALUE OF IMPROVEMENTS.—Section 5(b) of the Presidential Protection Assistance Act of 1976 (Public Law 94–524; 90 Stat. 2476; 18 U.S.C. 3056 note) is amended by striking ''Comptroller General of the United States'' and inserting ''Director''.

(b) DISPUTES OVER PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.—Section 4124(b) of title 18, United States Code, is amended by striking ''Comptroller General of the United States'' and inserting ''Attorney General''.

SEC. 110. AMENDMENTS RELATING TO TITLE 19, UNITED STATES CODE (CUSTOMS DUTIES).

(a) AUDITS OF THE CUSTOMS FORFEITURE FUND.—Section 613A(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1613b(e)(2)) is amended—

(1) by striking ''annual financial''; and

(2) by inserting before the period the following: '', under such conditions as the Comptroller General determines appropriate''.

(b) REPORT ON BUSINESSES ESTABLISHED BY CUSTOMS SERVICE FOR UNDERCOVER OPERATIONS.—Section 3131(b) of the Anti-Drug Abuse Act of 1986 (19 U.S.C. 2081(b)) is amended by striking ''and the Comptroller General''.

SEC. 111. AMENDMENTS RELATING TO TITLE 22, UNITED STATES CODE (FOREIGN RELATIONS AND INTERCOURSE).

(a) ACCOUNTS OF ADVANCES FOR OPERATIONS OF THE INTERNATIONAL JOINT COMMISSION ON THE U.S.-CANADA BOUNDARY WATERS.—The first section of the Act of March 2, 1921 (chapter 113; 22 U.S.C. 268b) is amended by striking ''chiefs of parties'' the first place it appears and all that follows through ''chiefs of parties'' the next place it appears and inserting ''chiefs of parties''.

(b) PREPARATION OF SCOPE OF AUDIT AND REVIEW OF AUDITS OF INTER-AMERICAN DEVELOPMENT BANK.—Section 14 of the Inter-American Development Bank Act (22 U.S.C. 283j–1) is amended—

(1) in subsection (b), by striking ''Comptroller General of the United States shall prepare for the Secretary of the Treasury'' and inserting ''Secretary of the Treasury shall prepare''; and

(2) in subsection (c), in the second sentence, by striking ''shall periodically'' and inserting ''may''.

(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 4 of the Foreign Direct Investment and International Financial Data Improvements Act of 1990 (22 U.S.C. 3143) is amended—

(1) in subsection (a), by striking ''report required under'' and inserting ''reports referred to in''; and

(2) in subsection (b)—

(A) by striking ''(b)'' and all that follows through ''shall submit'' and inserting ''(b) REPORTS.—Consistent with the provisions of this section, the Comptroller General may submit'';

(B) by striking ''Congress, a report'' and inserting ''Congress reports'';

(C) in paragraph (1) by striking ''the report of the Secretary of Commerce'' and inserting ''reports issued by the Secretary of Commerce under section 3''; and

(D) by striking the last sentence of the subsection.

SEC. 112. AMENDMENTS RELATING TO TITLE 25, UNITED STATES CODE (INDIANS).

(a) COPIES OF INDIAN SERVICE CONTRACTS.—Section 7 of the Act of March 3, 1875 (25 U.S.C. 96), is repealed.

(b) COPIES OF INDIAN SERVICE CONTRACT BIDS.—Section 3 of the Act of August 15, 1876 (25 U.S.C. 97), is amended by striking ''; and an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury'' and inserting in lieu thereof a period.

SEC. 113. AMENDMENT RELATING TO TITLE 26, UNITED STATES CODE (INTERNAL REVENUE CODE).

Section 7608(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(2)), is amended by striking ''and the Comptroller General of the United States''.

SEC. 114. AMENDMENT RELATING TO TITLE 28, UNITED STATES CODE (JUDICIARY AND JUDICIAL PROCEDURE).

Section 2410(e) of title 28, United States Code, is amended by striking, in the second sentence, ''shall so report to the Comptroller General who''.

SEC. 115. AMENDMENTS RELATING TO TITLE 31, UNITED STATES CODE (MONEY AND FINANCE).

(a) TREATMENT OF RECORDS CONTAINING BANKING AGENCY INFORMATION.—Section 714(d) of title 31, United States Code, is amended by striking the last sentence of paragraph (1) and by amending paragraph (2) to read as follows:

''(2) The Comptroller General shall prevent unauthorized access to records or property of or used by an agency that the Comptroller General obtains during an audit.''.

(b) REPORT ON AUDITS AND CONFIDENTIALITY OF TAXPAYER INFORMATION.—Section 719 of title 31, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(c) COMPLIANCE REPORTING ON ADMINISTRATIVE EXPENSES.—Section 308(c) of the Legislative Branch Appropriations Act, 1994 (Public Law 103–69; 107 Stat. 710; 31 U.S.C. 1105 note) is amended by striking ''shall'' and inserting ''may''.

(d) PAYING CHECKS AND DRAFTS.—Section 3328 of title 31, United States Code, is amended—

(1) in subsection (a)(2), by striking ''until the Comptroller General settles the question'' and inserting ''until the question is settled'';

(2) in subsection (b)(2), by striking ''on settlement by the Comptroller General''; and

(3) in subsection (d), by striking ''With the approval of the Comptroller General, the'' and inserting ''The''.

(e) WITHHOLDING CHECKS TO BE SENT TO FOREIGN COUNTRIES.—Section 3329(b)(4) of title 31, United States Code, is amended by striking the last two sentences and inserting ''The Secretary shall credit the accounts of the drawer and drawee.''.

(f) PROPERTY RETURNS.—

(1) REPEAL.—Section 3531 of title 31, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 31, United States Code, is amended by striking the item relating to section 3531.

(g) CLAIMS COLLECTION AND COMPROMISE.—

(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended—

(A) in subsection (a)(2), by inserting before the semicolon the following: '', except that only the Comptroller General may compromise a claim arising out of an exception the Comptroller General makes in the account of an accountable official'';

(B) by striking subsection (b);

(C) by redesignating subsections (c), (d), (e), and (f) and the first subsection (g) in order as subsections (b), (c), (d), (e), and (f); and

(D) in subsection (d) (as so redesignated), by striking ''and the Comptroller General'' and by striking ''jointly'' from paragraph (2).

(2) CONFORMING AMENDMENTS.—

(A) Section 3701(d) of title 31, United States Code, is amended by striking ''3711(f)'' and inserting ''3711(e)''.

(B) Section 552a of title 5, United States Code, is amended by striking ''3711(f)'' each place it appears and inserting ''3711(e)''.

(C) Section 2780(b) of title 10, United States Code, is amended by striking ''3711(f)'' and inserting ''3711(e)''.

(D) Section 4(d)(6) of the State Department Basic Authorities Act of 1956 (Chapter 841; 22 U.S.C. 2671(d)(6)) is amended by striking ''3711(f)'' and inserting ''3711(e)''.

(E) Section 204(f)(1) of the Social Security Act (42 U.S.C. 404(f)(1)) is amended by striking ''3711(f)'' and inserting ''3711(e)''.

(h) AUDIT OF PROCEEDS FROM SALES OF COMMEMORATIVE COINS.—Section 303 of Public Law 103–186 (31 U.S.C. 5112 note) is amended—

(1) by striking ''Before the end of the 1-year period'' and all that follows through ''the Comptroller General of the United States shall'' and inserting ''The Comptroller General of the United States may''; and

(2) by striking ''sale of such coins'' and inserting ''sale of commemorative coins''.

(i) REPORT ON IMPLEMENTATION OF INTERGOVERNMENTAL FINANCING.—Section 6 of the Cash Management Improvement Act of 1990 (31 U.S.C. 6503 note) is repealed.

(j) CONSULTATION ON ACCOUNTING, AUDIT AND FISCAL PROCEDURES.—Section 6703(d)(6) of title 31, United States Code, is amended by striking ''after consultation with the Comptroller General of the United States''.

(k) REVIEWS OF LOCAL PARTNERSHIP ACT PROGRAM.—Section 6718(b) of title 31, United States Code, is amended by striking ''shall'' each place it appears and inserting ''may''.

SEC. 116. AMENDMENT TO TITLE 32, UNITED STATES CODE (NATIONAL GUARD).

Section 716 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Comptroller General'' and inserting ''Director of the Office of Management and Budget''; and

(B) in paragraph (2), by inserting ''and'' at the end of subparagraph (A), striking subparagraph (B), redesignating subparagraph (C) as subparagraph (B), and in that subparagraph (as so redesignated), striking ''Comptroller General'' and inserting ''Director of the Office of Management and Budget''; and

(2) in subsection (b), by striking ''The Comptroller General'' and inserting ''The Director of the Office of Management and Budget''.

SEC. 117. AMENDMENT RELATING TO TITLE 33, UNITED STATES CODE (NAVIGATION AND NAVIGABLE WATERS).

Section 214 of the Water Resources Development Act of 1992 (106 Stat. 4831–4832; 33 U.S.C. 2281 note) is repealed.

SEC. 118. AMENDMENT TO TITLE 37, UNITED STATES CODE (PAY AND ALLOWANCES OF THE UNIFORMED SERVICES).

Section 902(b) of title 37, United States Code, is amended by striking ''the General Accounting Office, under the direction of the Secretary of the Navy, may'' and inserting ''the Secretary of the Navy may''.

SEC. 119. AMENDMENT TO TITLE 38, UNITED STATES CODE (VETERANS' BENEFITS).

Section 711(d) of title 38, United States Code, is amended by inserting '', upon request of either of such Committees,'' in the first sentence after ''the Comptroller General shall''.

SEC. 120. AMENDMENTS RELATING TO TITLE 40, UNITED STATES CODE (PUBLIC BUILDINGS, PROPERTY, AND WORKS).

(a) PAYMENT OF EXPENSES OF SALES FROM PROCEEDS.—Section 1 of the Act of June 8, 1896 (29 Stat. 268; 40 U.S.C. 485a) is amended by striking '', as approved by the accounting officers of the Treasury,''.

(b) FURNISHING DETERMINATIONS TO THE GENERAL ACCOUNTING OFFICE.—Section 210(a)(8) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(a)(8)) is amended by striking ''. A copy of every such determination so made shall be furnished to the General Accounting Office''.

SEC. 121. AMENDMENTS RELATING TO TITLE 41, UNITED STATES CODE (PUBLIC CONTRACTS).

(a) COMPTROLLER GENERAL REVIEW OF FRAUDULENT WAR CONTRACT SETTLEMENTS.—Section 16 of the Contract Settlement Act of 1944 (41 U.S.C. 116) is repealed.

(b) RECORDS OF WAR CONTRACT FINANCING AND TERMINATIONS.—Section 18(a) of the Contract Settlement Act of 1944 (41 U.S.C. 118(a)) is amended—

(1) by striking ''(1)''; and

(2) by striking ''; and (2) the records in connection therewith to be transmitted to the General Accounting Office''.

(c) COPIES OF CONTRACTS AND ADMINISTRATIVE DETERMINATIONS.—Section 307(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 257(b)) is amended by striking the second sentence.

SEC. 122. AMENDMENTS RELATING TO TITLE 42, UNITED STATES CODE (PUBLIC HEALTH AND WELFARE).

(a) CONSULTATION ON ADMINISTRATIVE EXPENSES OF THE NATIONAL INSTITUTES OF HEALTH.—Section 408(a)(3) of the Public Health Service Act (42 U.S.C. 284c(a)(3)) is amended by striking the last sentence.

(b) AUDIT OF NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.—Section 499(n) of the Public Health Service Act (42 U.S.C. 290b(n)) is repealed.

(c) CONSULTATION AND REPORTS ON GRANTS FOR TRANSITION FROM HOMELESSNESS.—Section 528 of the Public Health Service Act (42 U.S.C. 290cc-28) is amended—

(1) in subsection (a), by striking ''the Comptroller General of the United States, and''; and

(2) in subsection (c), by striking ''Comptroller General of the United States in cooperation with the'' and by striking the comma after ''Administration''.

(d) CONSULTATION AND REPORT ON TRAUMA CARE GRANTS.—Section 1216(a) of the Public Health Service Act (42 U.S.C. 300d–16(a)) is amended by striking ''and the Comptroller General of the United States''.

(e) CONSULTATION ON MENTAL HEALTH AND SUBSTANCE ABUSE BLOCK GRANTS.—Section 1942(a) of the Public Health Service Act (42 U.S.C. 300x–52(a)) is amended by striking ''and the Comptroller General''.

(f) STATE REPORTS ON MATERNAL AND CHILD HEALTH PROGRAMS.—Section 506(a)(1) of the Act of August 14, 1935, ch. 531 (42 U.S.C. 706(a)(1)) is amended by striking ''and the Comptroller General''.

(g) REVIEW HHS CALCULATION OF REIMBURSEMENT RATE.—Section 4204(b) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395mm note) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5), by striking ''Taking into account the recommendations made pursuant to paragraph (4), on'' and inserting ''On''; and

(3) by redesignating paragraph (5) as paragraph (4).

(h) STUDY OF OWNERSHIP OF PROVIDERS OF MEDICARE SERVICES BY REFERRING PHYSICIANS.—

(1) Section 6204(e) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395nn note) is repealed.

(2) Section 6204(f) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395nn note) is amended by striking ''and the Comptroller General''.

(i) REPORTS ON PRESCRIPTION DRUG PRICING.—Section 4401(d) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396r–8 note) is amended—

(1) in paragraph (2), by—

(A) striking ''By not later than May 1 of each year, the'' and inserting ''The'';

(B) striking ''an annual'' and inserting ''a''; and

(C) striking ''retail and''; and

(2) by striking paragraph (6).

(j) STUDY OF DEMONSTRATION TO ATTRACT PENSION FUND INVESTMENT IN AFFORDABLE HOUSING.—Section 6 of the HUD Demonstration Act of 1993 (42 U.S.C. 1437f) is amended by—

(1) striking subsection (i); and

(2) redesignating subsection (j) as subsection (i).

(k) AUDIT OF HUD LOW-INCOME HOUSING ACCOUNTS.—Section 10(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437h) is amended by—

(1) striking ''annually'';

(2) striking, after ''accounts which'', ''shall'', and inserting ''may'';

(3) striking ''in accordance with the principles and procedures applicable to commercial transactions''; and

(4) striking '', and no other audit shall be required''.

(l) REPORT ON THE FAMILY SELF-SUFFICIENCY PROGRAM.—Section 23(m) of the United States Housing Act of 1937 (42 U.S.C. 1437u(m)) is amended—

(1) in paragraph (1)—

(A) by striking ''shall'', and inserting ''may''; and

(B) by striking ''(1) IN GENERAL.—''; and

(2) by striking paragraph (2).

(m) METHODOLOGY OF STUDY.—Section 211(B)(f)(2) of Public Law 101–515, as amended by the Violent Crime Control and Law Enforcement Act of 1994, is amended by striking ''shall serve'' and all that follows through ''approve'' and inserting ''may serve in an advisory capacity, may oversee the methodology, and may approve''.

(n) STUDIES OF INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 5(b) of the Act of November 4, 1992 (42 U.S.C. 5781 note, Public Law 102–586), is amended to read as follows:

''(b) GAO STUDIES AND REPORTS.—Under such conditions as the Comptroller General of the United States determines appropriate, the General Accounting Office may conduct studies and report to Congress on the effects of the program established by subsection (a) in encouraging States and units of general local government to comply with the requirements of part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631–5633).''.

(o) AUDITS OF RECIPIENTS OF LOAN GUARANTEES FOR ALTERNATIVE FUEL DEMONSTRATION FACILITIES.—Section 19(x)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919(x)(1)) is amended—

(1) in subparagraph (A), by striking ''(A)''; and

(2) by striking subparagraph (B).

(p) REPORT ON USE OF SUBPOENA AUTHORITY TO GET ENERGY INFORMATION.—Section 502(f) of the Energy Policy and Conservation Act (42 U.S.C. 6382(f)) is repealed.

(q) CONSULTATION WITH THE SECRETARY OF ENERGY CONCERNING TERMINATION OF LOAN GUARANTEES.—Section 451 of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6881) is amended, in subsection (d) and in the first sentence of subsection (e)(1), by striking ''and the Comptroller General''.

(r) REPORT ON POLLUTION CONTROL STRATEGIES AND EMPLOYMENT EFFECTS OF CLEAN AIR ACT AMENDMENTS OF 1990.—Section 812(b) of the Clean Air Act Amendments of 1990 (42 U.S.C. 7612 note) is repealed.

(s) REPORT ON ENERGY CONSERVATION BY FEDERAL AGENCIES.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(t) EVALUATION OF HOMELESS ASSISTANCE PROGRAMS.—Section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended—

(1) by striking ''shall annually'' and inserting ''may''; and

(2) by striking '', and submit to the Congress an annual summary of the status of each program authorized under this Act''.

(u) CONSULTATION ON ACCOUNTING, AUDIT AND FISCAL PROCEDURES.—Section 30203(b)(5) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13753(b)(5)) is amended by striking ''after consultation with the Comptroller General of the United States''.

(v) STUDY OF SKILLED NURSING FACILITIES.—Section 6026 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239) is repealed.

(w) REPORT ON GEOGRAPHIC COST ADJUSTMENT FOR DURABLE MEDICAL EQUIPMENT.—Section 135(c)(2) of the Social Security Act Amendments of 1994 (Public Law 103–432) is amended—

(1) by striking the dash and ''(A)'' and inserting a comma, and

(2) by striking ''; and'' and all that follows and inserting a period.

SEC. 123. AMENDMENTS RELATING TO TITLE 44, UNITED STATES CODE (PUBLIC PRINTING AND DOCUMENTS).

(a) AUDIT OF GOVERNMENT PRINTING OFFICE.—Section 309 of title 44, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

''(d) The Inspector General of the Government Printing Office shall audit the financial and operational activities of the Government Printing Office each year. The audits shall be conducted under the direction of the Joint Committee on Printing. For purposes of the audits, the Inspector General shall have such access to the records, files, personnel, and facilities of the Government Printing Office as the Inspector General considers appropriate. The Inspector General shall furnish reports of the audits to the Congress and the Public Printer.''; and

(2) by adding at the end the following new subsections:

''(e) The Public Printer shall prepare an annual financial statement meeting the requirements of section 3515(b) of title 31, United States Code. Each financial statement shall be audited in accordance with applicable generally accepted Government auditing standards—

''(1) by an independent external auditor selected by the Public Printer, or

''(2) at the request of the Joint Committee on Printing, by the Inspector General of the Government Printing Office.

''(f) The Comptroller General of the United States may audit the financial statement prepared under subsection (e) at his or her discretion or at the request of the Joint Committee on Printing. An audit by the Comptroller General shall be in lieu of the audit otherwise required by that subsection.''.

(b) PUBLICATION OF DECISIONS OF THE COMPTROLLER GENERAL.—

(1) Section 1311 of title 44, United States Code, is repealed.

(2) The table of sections for chapter 13 of title 44, United States Code, is amended by striking out the item relating to section 1311.

SEC. 124. AMENDMENT RELATING TO TITLE 45, UNITED STATES CODE (RAILROADS).

Section 1036(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (45 U.S.C. 831 note) is amended by striking ''and annually thereafter,''.

SEC. 125. AMENDMENT RELATING TO TITLE 46, UNITED STATES CODE (SHIPPING).

Section 901(a) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1241(a)) is amended—

(1) by striking '': *Provided,* That the Comptroller General of the United States'' and inserting ''. The Administrator of General Services shall prescribe regulations under which agencies''; and

(2) by striking ''credit any allowance'' and inserting ''pay for or reimburse officers or employees''.

SEC. 126. AMENDMENTS RELATING TO TITLE 47, UNITED STATES CODE (TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS).

(a) APPROVE STANDARDS ADOPTED BY THE CORPORATION FOR PUBLIC BROADCASTING FOR VALUING VOLUNTEER SERVICES.—Section 397(9) of the Communications Act of 1934 (47 U.S.C. 397(9)) is amended, in the last sentence—

(1) by striking ''and approved by the Comptroller General pursuant to section 396(g)(5)''; and

(2) by striking ''with respect to such services provided to public telecommunications entities after such standards are approved by the Comptroller General and only''.

(b) REPORT ON PAYMENTS BY ATTORNEY GENERAL TO CARRIERS FOR INTERCEPTION OF COMMUNICATIONS.—

(1) Section 112(b)(1) of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1010(b)(1)) is amended by amending the matter preceding subparagraph (A) to read as follows:

''(1) On or before April 1, 1996, the Comptroller General of the United States, and every two years thereafter, the Inspector General of the Department of Justice, shall submit to the Congress a report, after consultation with the Attorney General and the telecommunications industry—''.

(2) Section 112(b)(2) of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1010(b)(2)) is amended—

(A) after ''include'', by striking ''the''; and

(B) by striking ''of the Comptroller General''.

SEC. 127. AMENDMENTS RELATING TO TITLE 49, UNITED STATES CODE (TRANSPORTATION).

(a) AUDIT OF ACCOUNTS OF DEPARTMENT OF TRANSPORTATION.—Section 5334(c)(2) of title 49, United States Code, is amended by striking ''the Comptroller General shall'' and inserting ''for''.

(b) REPORT ON MASS TRANSPORTATION NEEDS.—Sections 5335(c) and 5335(d) of title 49, United States Code, are each amended by striking ''and in January of every 2d year after 1993''.

(c) AUDIT OF FINANCIAL ASSISTANCE FOR LOCAL RAIL FREIGHT SERVICE.—Section 22107(b) of title 49, United States Code, is amended by striking ''and the Comptroller General''.

(d) TRANSPORTATION BY FOREIGN AIR CARRIERS.—Section 40118(c) of title 49, United States Code, is amended by striking ''Comptroller General shall'' and inserting ''Administrator of General Services shall prescribe regulations under which agencies may''.

(e) AUDIT OF AVIATION INSURANCE OFFERED BY DEPARTMENT OF TRANSPORTATION.—Section 44308(e) of title 49, United States Code, is amended by striking ''. The Comptroller General shall audit those accounts'' and inserting ''for audit''.

(f) AUDIT OF FINANCIAL ASSISTANCE FOR AIRPORT AND AIRWAY DEVELOPMENT.—Section 47121(c) of title 49, United States Code, is amended—

(1) in the first sentence, by striking ''Comptroller General'' and inserting ''Secretary'';

(2) in the second sentence—

(A) by striking ''Not later than April 15 of each year, the'', and inserting ''The''; and

(B) by striking ''shall'' and inserting ''may''; and

(3) by striking the third sentence.

(g) STUDY OF ENHANCED PROCUREMENT AUTHORITY FOR FEDERAL AVIATION ADMINISTRATION.—Section 9206 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is repealed.

SEC. 128. AMENDMENTS RELATING TO TITLE 50, UNITED STATES CODE (WAR AND NATIONAL DEFENSE).

(a) AUDIT OF TERMINATION PAYMENTS ON CONTRACTS FOR CERTAIN AIR DEFENSE SYSTEMS.—Section 1 of the Act of March 30, 1949 (62 Stat. 17; 50 U.S.C. 491), is amended in the third sentence of the second paragraph—

(1) by striking ''no termination payment shall be final until audited and approved by'';

(2) by striking ''which'' after ''General Accounting Office''; and

(3) by inserting ''of audit'' after ''purpose''.

(b) DETERMINATIONS OF ENTITLEMENT TO WAR CLAIM AWARDS.—Section 213(d) of the War Claims Act of 1948 (50 U.S.C. App. 2017l(d)) is amended by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''.

(c) FOREIGN POLICY CONTROLS: CONSULTATION WITH CONGRESS.—Section 6(f)(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(f)(3)) is amended by striking the second sentence.

SEC. 129. AMENDMENT RELATING TO THE DISTRICT OF COLUMBIA

Section 145 of the District of Columbia Retirement Reform Act (sec. 1–725, D.C. Code) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1)'',

(ii) by striking ''and the Comptroller General'', and

(iii) by striking ''each'' the first and third places it appears; and

(B) by striking paragraphs (2) and (3).

(2) In subsection (c)(1), by striking ''Comptroller General pursuant to subsection (b)'' and inserting ''enrolled actuary pursuant to subsection (a)''.

(3) In subsection (c)(3)(A)—

(A) by striking ''Comptroller General pursuant to subsection (b)'' and inserting ''enrolled actuary pursuant to subsection (a)'';

(B) by striking ''and the Comptroller General''; and

(C) by striking ''of the Comptroller General''.

(4) In subsection (c)(3)(B), by striking ''the Comptroller General, the Board,'' and inserting ''the Board''.

(5) In subsection (c)(3)(C)(1)—

(A) by striking ''The Comptroller General, on the basis of such reports from the Board and'' and inserting ''The Board, on the basis of such reports from'';

(B) by striking ''The Comptroller General shall report the amount of such reduction so caused to the Board and'' and inserting ''The Board shall report the amount of such reduction so caused''; and

(C) by striking ''he receives'' and inserting ''the Board receives''.

(6) In subsection (c)(3)(C)(2), by striking ''by the Comptroller General''.

TITLE II—CONFORMING AMEND- MENTS TO ENACT TRANSFERS AND DELEGATIONS OF FUNCTIONS UNDER OTHER LAWS

SEC. 201. PURPOSE.

The purpose of this title is to amend provisions of law to reflect, update, and enact transfers and subsequent delegations of functions made under section 211 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53, 109 Stat. 535), as in effect immediately before this title takes effect.

SEC. 202. CONFORMING AMENDMENTS.

(a) CLAIMS FOR PROCEEDS FROM SALE OF HOUSEHOLD AND PERSONAL EFFECTS.—Section 5564(h) of title 5, United States Code, is amended by striking ''General Accounting Office'' each place it appears and inserting ''Administrator of General Services''.

(b) SETTLEMENT OF ACCOUNTS OF DECEASED EMPLOYEES.—Section 5583 of title 5, United States Code, is amended—

(1) in subsection (a) by striking ''Comptroller General of the United States'' and inserting ''Director of the Office of Personnel Management''; and

(2) in subsection (b) by striking the first sentence and inserting: ''The Director may by regulation prescribe the method for settlement of accounts payable under subsection (a) of this section.''.

(c) REMISSION OF LIQUIDATED DAMAGES.—Section 2312 of title 10, United States Code, is amended by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''.

(d) DISPOSITION OF UNCLAIMED PROPERTY.—Section 2575(d) of title 10, United States Code, is amended by striking ''Comptroller General of the United States'' both places it appears and inserting ''Secretary of Defense''.

(e) PAYMENT OF CLAIMS.—Sections 2733(d) and 2734(d) of title 10, United States Code, are amended by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''.

(f) SETTLEMENT OF ACCOUNTS OF DECEASED MEMBERS.—Section 2771(c) of title 10, United States Code, is amended to read as follows:

''(c) Payments under subsection (a) shall be made by the Secretary of Defense.''.

(g) DISPOSITION OF EFFECTS OF DECEASED MEMBERS.—Sections 4712 and 9712 of title 10, United States Code, are amended by striking subsection (g).

(h) SETTLEMENT OF INTERNATIONAL CLAIMS.—Section 7 of the International Claims Settlement Act of 1949 (22 U.S.C. 1626) is amended—

(1) in subsection (c)—

(A) in paragraph (1) by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''; and

(B) in paragraph (2) by striking ''Comptroller General of the United States'' and inserting ''Secretary of the Treasury''; and

(2) in subsection (d) by striking '', or the Comptroller General of the United States, as the case may be,''.

(i) ESTATES OF DECEDENTS.—Section 1709 of the Revised Statutes (22 U.S.C. 4195) is amended—

(1) by striking ''General Accounting Office'' each place it appears and inserting ''Department of State'';

(2) in the penultimate paragraph—

(A) in the first sentence, by striking ''Comptroller General of the United States, or such member of the General Accounting Office as he may duly empower to act as his representative for the purpose,'' and inserting ''Secretary of State or the Secretary's representative''; and

(B) by striking ''Comptroller General'' and inserting ''Secretary of State''; and

(3) in the last paragraph—

(A) by striking ''office'' and inserting ''department''; and

(B) by striking ''Comptroller General'' and inserting ''Secretary of State''.

(j) DISPOSITION OF EFFECTS OF DECEASED ARMED FORCES RETIREMENT HOME RESIDENTS.—Section 1520 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 420) is amended—

(1) in subsection (b)(1)(C)—

(A) by striking ''Comptroller General of the United States'' in the second sentence and inserting ''Secretary of Defense''; and

(B) by striking ''Comptroller General'' in the third sentence and inserting ''Secretary''; and

(2) in subsection (d)—

(A) by striking ''Comptroller General of the United States'' in paragraph (1) and inserting ''Secretary of Defense''; and

(B) by striking ''Comptroller General'' in paragraphs (2) and (3) and inserting ''Secretary''.

(k) PAYMENT OF JUDGMENTS AND COMPROMISE SETTLEMENTS.—Section 2414 of title 28, United States Code, is amended in the first paragraph by striking ''General Accounting Office'' each place it appears and inserting ''Secretary of the Treasury''.

(l) PAYMENT OF JUDGMENTS.—Section 2517(a) of title 28, United States Code, is amended by striking ''General Accounting Office'' and inserting ''Secretary of the Treasury''.

(m) JUDGMENT FUND CERTIFICATIONS.—Section 1304 of title 31, United States Code, is amended by striking ''Comptroller General'' each place it appears and inserting ''Secretary of the Treasury''.

(n) CLAIMS SETTLEMENT.—

(1) IN GENERAL.—Section 3702 of title 31, United States Code, is amended—

(A) in the heading by striking ''**of the Comptroller General**'';

(B) by amending subsection (a) to read as follows:

''(a) Except as provided in this chapter or another law, all claims of or against the United States Government shall be settled as follows:

''(1) The Secretary of Defense shall settle—

''(A) claims involving uniformed service members' pay, allowances, travel, transportation, retired pay, and survivor benefits; and

''(B) claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipment at Government expense.

''(2) The Director of the Office of Personnel Management shall settle claims involving Federal civilian employees' compensation and leave.

''(3) The Administrator of General Services shall settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.

''(4) The Director of the Office of Management and Budget shall settle claims not otherwise provided for by this subsection or another provision of law.'';

(C) in subsection (b)(1), by amending that portion of the second sentence preceding subparagraph (A) to read ''The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues except—'';

(D) in subsection (b)(2) by striking ''presented to the Comptroller General'' and inserting ''received'', and by striking ''clause'' and inserting ''paragraph'';

(E) by amending subsection (b)(3) to read as follows:

''(3) A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.''; and

(F) in subsection (d), by striking ''Comptroller General'' the first place it appears and inserting ''official responsible under subsection (a) for settling the claim''; and by striking ''Comptroller General'' every other place it appears and inserting ''official''.

(2) CLERICAL AMENDMENT.—Chapter 37 of title 31, United States Code, is amended in the table of sections at the beginning of the chapter, by amending the item relating to section 3702 to read as follows:

''3702. Authority to settle claims.''.

(o) TRANSPORTATION CLAIMS.—Section 3726 of title 31, United States Code, is amended—

(1) in subsection (f) by striking ''and the Comptroller General prescribe jointly'' and inserting ''prescribes''; and

(2) in subsection (g)(1) by striking ''Comptroller General'' and inserting ''Administrator of General Services''.

(p) SETOFF AGAINST JUDGMENTS.—Section 3728 of title 31, United States Code, is amended—

(1) in subsection (a) by striking ''Comptroller General'' the first place it appears and inserting ''Secretary of the Treasury''; and

(2) by striking ''Comptroller General'' each place it appears thereafter and inserting ''Secretary''.

(q) SETTLEMENT OF ACCOUNTS OF DECEASED MEMBERS.—Section 714(c) of title 32, United States Code, is amended—

(1) in the first sentence, by striking ''Comptroller General'' and inserting ''Secretary concerned''; and

(2) by striking the second sentence.

(r) PAYMENT OF CLAIMS RELATING TO NATIONAL GUARD ACTIVITIES.—Section 715(d) of title 32, United States Code, is amended by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''.

(s) CLAIMS FOR NET PROCEEDS FROM SALES OF HOUSEHOLD AND PERSONAL EFFECTS.—Section 554(h) of title 37, United States Code, is amended by striking ''General Accounting Office'' each place it appears and inserting ''Secretary of Defense''.

(t) CANCELLATION OF CHECKS MAILED TO DECEASED PAYEES.—Section 5122 of title 38, United States Code, is amended by striking ''upon settlement by the General Accounting Office''.

(u) WAIVER OF LIQUIDATED DAMAGES.—Section 10(a) of the Act of September 5, 1950 (64 Stat. 591; 41 U.S.C. 256a), is amended by striking ''Comptroller General'' and inserting ''Secretary of the Treasury''.

SEC. 203. REPEAL.

Section 211 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53; 109 Stat. 535) is amended to read as follows:

''SEC. 211. Personnel transferred pursuant to this section, as in effect immediately before the effective date of section 303 of the General Accounting Office Act of 1996, shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.''.

SEC. 204. AUTHORITY TO RENDER DECISIONS.

Section 3529(b) of title 31, United States Code, is amended—

(1) by striking ''The Comptroller General shall'' and inserting ''(1) Except as provided in paragraph (2), the Comptroller General shall''; and

(2) by adding at the end the following new paragraph:

''(2) A decision requested under this section concerning a function transferred to or vested in the Director of the Office of Management and Budget under section 211(a) of the Legislative Branch Appropriations Act, 1996 (109 Stat. 535), as in effect immediately before the effective date of title II of the General Accounting Office Act of 1996, or under this Act, shall be issued—

''(A) by the Director of the Office of Management and Budget, except as provided in subparagraph (B); or

''(B) in the case of a function delegated by the Director to another agency, by the head of the agency to which the function was delegated.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman for Ohio [Mr. LATOURETTE] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the General Accounting Office has provided the U.S. Congress and the American people with information about the operation of the Federal Government since 1921. Since that time, the GAO has investigated, audited and testified about nearly every topic under the Sun. When Members of Congress need accurate, objective facts, they turn to the capable work of the auditors and investigators at the GAO.

However, many things have changed since 1921. Title I of this bill eliminates over 100 statutory mandates that Congress has previously imposed upon the GAO. Most of these mandates are auditing and reporting requirements that no longer represent the most effective use of the GAO's limited resources.

The bill also transfers certain executive-type functions from the GAO to the Office of Management and Budget and other executive branch agencies which are better suited to perform these functions.

The GAO has undergone a 25-percent reduction in its budget over the last 2 years. Enactment of H.R. 3864 will help the GAO deal with the effects of this large budget reduction.

GAO officials have estimated that relieving the agencies of the mandates covered by this bill will result in a savings of between $7 to $10 million, which can be applied against the budget reductions already made. The Congressional Budget Office has also estimated that the enactment of this bill will result in a savings consistent with the 25-percent reduction in GAO's budget.

The amendments to H.R. 3864 conform the bill to the version reported by the Committee on Government Reform and Oversight. A list of the mandates that are included in this bill was circulated for review by all chairs and ranking members of each House committee having jurisdiction over them. There were no objections to the repeals and transfers now contained in the bill.

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Finally, H.R. 3864 has been reviewed by OMB, and no objections were raised. Title I of the bill makes conforming amendments to provisions of law that reflect transfer of GAO functions to other agencies enacted last year by section 211 of the fiscal year 1996 Legislative Branch Appropriations Act.

Mr. Speaker, I include in the RECORD with my remarks a section-by-section analysis of the bills.

SECTION-BY-SECTION ANALYSIS OF H.R. 3864

SECTION 1. SHORT TITLE.

Section 1 provides that the bill may be cited as the ''General Accounting Office Act of 1996.''

TITLE I—AMENDMENTS TO LAWS AUTHORIZING AUDITING, REPORTING, AND OTHER FUNCTIONS BY THE GENERAL ACCOUNTING OFFICE

In general

Title I eliminates over 100 existing statutory mandates affecting the General Accounting Office (GAO) that do not represent the most efficient and effective use of GAO's limited resources. Most of the provisions of title I fall into one of the following two categories:

Elimination of ''executive'' type functions. These provisions relieve GAO of statutory functions that do not further GAO's current mission and are more appropriate for performance by the Executive Branch. Functions that are still relevant to government operations are transferred to Executive Branch agencies. Certain obsolete functions are repealed.

Elimination of auditing and reporting mandates. These provisions relieve GAO of statutory auditing and reporting requirements, while preserving GAO's authority to conduct the audit pursuant to a specific Congressional request or at its own initiative. Thus, the provisions give GAO flexibility to apply its resources where they are most needed.

Title I includes a number of other provisions that will enhance the efficiency of GAO's operations, and eliminate unnecessary paperwork requirements for GAO as well as Executive Branch agencies. For example, title I eliminates a number of mandates for Executive agencies to submit copies of information to GAO where GAO is not required to take action with respect to the information and could readily obtain the information if needed.

The provisions of title I, described below, are organized by the location of the affected statutory mandates in the United States Code.

SEC. 101. TRANSFERS AND TERMINATIONS OF FUNCTIONS.

Section 101 contains standard transition, incidental transfer, and savings provisions relating to those functions transferred from GAO to Executive Branch agencies. Among other things, it authorizes the Director of the Office of Management and Budget (OMB) to delegate to other Executive agencies functions transferred to OMB.

SEC. 102. AMENDMENTS RELATING TO TITLE 2, UNITED STATES CODE.

Subsection (a) makes discretionary rather than mandatory GAO reports on reductions in Congressional staff levels.

Subsection (b) makes discretionary rather than mandatory GAO investigations of applications for waiver of recovery of overpayments to Senate employees that exceed $1,500. It also deletes the limitation on the Secretary of the Senate's authority to grant waiver when there is an exception by GAO. GAO rarely, if ever, conducts the type of voucher audits that could lead to exceptions. If there was such an exception, the Secretary would still be free to take it into account when deciding whether waiver is appropriate.

Subsection (c) deletes a limitation on the authority of the Speaker of the House to waive claims against House employees arising out of erroneous payments of pay and allowances if the claim is the subject of a GAO exception.

Subsection (d) deletes a requirement that GAO report within 30 days on whether each budget sequestration order by the President is necessary, and whether the order and any related reports are in compliance with the law. The amendment requires GAO to make the compliance report only when asked to do so by either the Senate or House Budget Committee.

SEC. 103. AMENDMENTS RELATING TO TITLE 5, UNITED STATES CODE.

Subsection (a) deletes the requirement for the Special Counsel of the Merit Systems Protection Board to send copies of certain documents to GAO.

Subsection (b) deletes a requirement that GAO report to the Attorney General on certain balances owed to the government by Federal employees. The amendment substitutes the employing agency for GAO.

Subsection (c) transfers from GAO to the Office of Personnel Management (OPM) responsibility to prescribe regulations governing how Federal employees designate beneficiaries to receive money due to them in the event of their deaths.

Subsection (d) transfers from GAO to OMB responsibility to issue regulations and make determinations concerning waivers of recovery of erroneous payments of pay and allowances to Federal civilian employees.

Subsection (e) eliminates the requirement that GAO consult with the Administrator of General Services on annual reports concerning the cost of official travel, including the use of privately owned vehicles by Federal employees on official business.

Subsection (f) eliminates the mandate for annual GAO reports on Federal agency compliance with requirements that Federal employees on temporary duty use lodgings that meet fire and safety standards.

Subsection (g) transfers from GAO to the Secretary of the Treasury responsibility for prescribing procedures for the deposit in the Treasury of Federal employee contributions to the Civil Service Retirement Fund.

Subsection (h) deletes the requirement that the Secretary of the Treasury send GAO copies of reports to the Congress on the operation and status of the Civil Service Retirement and Disability Fund.

Subsection (i) deletes the requirement that the Secretary of the Treasury send GAO copies of reports to the Congress on the operation and status of the Thrift Savings Fund.

Subsection (j) deletes the requirement that copies of annual financial audits of the Thrift Savings Fund by a qualified public accountant be sent to GAO.

SEC. 104. AMENDMENTS RELATING TO TITLE 7, UNITED STATES CODE.

Subsection (a) makes discretionary rather than mandatory GAO audits and reports on the operation of the Washington Family Independence Demonstration Project.

Subsection (b) eliminates the requirement that GAO receive and review annual reports to Congress by the Secretary of Agriculture on expenditures by the Department for procurement of advisory and assistance services.

SEC. 105. AMENDMENTS RELATING TO TITLE 10, UNITED STATES CODE.

Subsection (a) deletes the requirement that GAO determine, jointly with the secretary of the military service concerned, whether waiver of recovery is appropriate for overpayments of beneficiaries of service members under the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan.

Subsection (b) transfers from GAO to OMB responsibility to issue regulations and make determinations concerning waivers of recovery of erroneous payments of pay and allowances to members of the uniformed services.

Subsection (c) deletes the requirement that the head of a military department transmit to GAO certifications that uncollected advances in military financial accounts are uncollectible and should be written off.

Subsection (d) deletes requirements that GAO maintain accounts related to receipts and expenditures of the military departments, and that GAO submit annual and other reports to the Secretary of the Treasury on such accounts.

Subsection (e) repeals GAO's responsibility to settle claims by commercial telegraph or radio companies to collect forwarding charges owed them in connection with their cooperation with Army and Air Force communications activities.

SEC. 106. AMENDMENTS RELATING TO TITLE 12, UNITED STATES CODE.

Subsection (a) deletes the mandate that GAO conduct a study of a demonstration project to test the effectiveness of counseling in preventing defaults and foreclosures on FHA-insured loans.

Subsection (b) eliminates the mandate for annual GAO audits of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to determine their compliance with least cost resolution requirements.

Subsection (c) eliminates the mandate that GAO report on compliance by the Federal Deposit Insurance Corporation with obligation limits and repayment requirements after each calendar quarter in which FDIC has certain obligations outstanding.

Subsection (d) eliminates the requirement that GAO review annually all reports of material losses to deposit insurance funds.

Subsection (e) eliminates the requirement that GAO evaluate and report on the feasibility and appropriateness of authorizing the Farm Credit System Insurance Corporation to establish a risk-based insurance premium structure, to collect supplemental premiums, and to assess associations.

Subsection (f) deletes the requirement for annual GAO audits on the actuarial soundness and reasonableness of loan guarantee fees established by the Federal Agricultural Mortgage Corporation.

Subsection (g) eliminates requirements for GAO to conduct studies and issue reports on the adequacy and quality of real estate appraisals used by financial institutions for certain real estate-related transactions.

Subsection (h) eliminates requirements for GAO to audit the operations of the Office of Federal Housing Enterprise Oversight.

Subsection (i) adds language to section 11(t) of the Federal Deposit Insurance Act to reaffirm that a banking agency does not waive litigation privileges by providing information to GAO. It appears that GAO is an ''agency'' as defined in 18 U.S.C. 6, and, therefore, already is covered by section 11(t) of the Federal Deposit Insurance Act. By explicitly referring to GAO in section 11(t), the amendment removes any question that may exist.

SEC. 107. AMENDMENT RELATING TO TITLE 15, UNITED STATES CODE.

Section 107 eliminates the requirement that GAO report on certifications that Federal funds may be used to build or buy certain office space that is not protected by an automatic sprinkler system or the equivalent because no suitable building is available at an affordable cost.

SEC. 108. AMENDMENTS RELATING TO TITLE 16, UNITED STATES CODE.

Subsection (a) eliminates the requirement that copies of certain licenses issued by the Federal Energy Regulatory Commission be deposited with GAO.

Subsection (b) repeals the requirement that GAO report periodically on the operations of the Brownsville Wetlands Policy Center.

Subsection (c) eliminates requirements that GAO report on the allocation of costs of the Central Utah Project, and that GAO prescribes regulations for conducting audits. The amendment transfers responsibility for the report to the Inspector General of the Department of the Interior and deletes the requirement for regulations.

Subsection (d) eliminates the requirement for GAO to audit and report on the costs and benefits of management policies and operations of the Glen Canyon Dam.

SEC. 109. AMENDMENTS RELATING TO TITLE 18, UNITED STATES CODE.

Subsection (a) eliminates the requirement that GAO determine whether improvements to non-government property at public expense, for the purpose of protecting the President or anyone else entitled to Secret Service protection, have increased the property's fair market value. The amendment transfers this responsibility to the Director of the Secret Service.

Subsection (b) deletes the requirement that the Comptroller General serve as a member of a board that settles disputes over purchases of Federal Prison Industry Products by Federal agencies. The amendment leaves the Attorney General, the Administrator of General Services, and the President, or their representatives, as members.

SEC. 110. AMENDMENTS RELATING TO TITLE 19, UNITED STATES CODE.

Subsection (a) eliminates the requirement that GAO conduct annual financial audits of the Customs Forfeiture Fund.

Subsection (b) eliminates the requirement that the Customs Service report to GAO on the sale or other disposition of a business entity used by the Customs Service as part of an undercover investigation. It retains the requirement that such reports be made to the Secretary of the Treasury.

SEC. 111. AMENDMENTS RELATING TO TITLE 22, UNITED STATES CODE.

Subsection (a) eliminates the requirement that accounts on advances of appropriated funds made to the U.S. Commissioner serving on the International Joint Commission on the U.S.-Canada Boundary Waters be submitted to GAO.

Subsection (b) eliminates the requirements for GAO to prepare, for the Secretary of the Treasury, the scope of the audit and the auditing and reporting standards for use in connection with audits of the Inter-American Development Bank, and to periodically review the audits.

Subsection (c) eliminates the requirement that GAO review and report annually on the first three of the Commerce Department's annual reports concerning direct foreign investment in the United States.

SEC. 112. AMENDMENTS RELATING TO TITLE 25, UNITED STATES CODE.

Subsection (a) eliminates the requirement that copies of contracts entered into for the Indian Service be sent to GAO. (The functions of the former Indian Service are now vested in the Secretary of the Interior.)

Subsection (b) eliminates the requirement that copies of abstracts of bids or proposals on any contract in connection with activities of the Indian Service be filed with GAO.

SEC. 113. AMENDMENT RELATING TO TITLE 26, UNITED STATES CODE.

Section 113 eliminates the requirement that the Commissioner of Internal Revenue report to GAO on the sale or other disposition of a business entity used by IRS as part of an undercover investigation. It retains the requirement that such reports be made to the Secretary of the Treasury.

SEC. 114. AMENDMENT RELATING TO TITLE 28, UNITED STATES CODE.

Section 114 eliminates GAO's responsibility to issue certificates releasing property liens in favor of the United States.

SEC. 115. AMENDMENTS RELATING TO TITLE 31, UNITED STATES CODE.

Subsection (a) deletes the requirement that certain records obtained by GAO in conducting audits of Federal banking agencies be stored at banking agency locations. This eliminates a barrier to consolidating GAO's banking agency auditors at the GAO headquarters building—a move that would result in cost savings and greater efficiency in operations. Existing statutory requirements to ensure that GAO safeguards sensitive banking information are retained.

Subsection (b) eliminates the requirement that GAO report annually on: procedures prescribed to protect the confidentiality of tax return information; the scope and subject matter of GAO audits of the Internal

Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms; and the findings, conclusions, and recommendations of such audits.

Subsection (c) deletes the mandate that GAO report on compliance with requirements for reductions in administrative costs in the Legislative Branch.

Subsection (d) eliminates the requirement that the Secretary of the Treasury, when on notice of a question of law or fact about a check drawn on the Treasury, defer payment of the check until GAO settles the question. It also repeals the requirement for GAO approval of Treasury regulations on payment of government checks and drafts.

Subsection (e) eliminates the requirements that the Secretary of the Treasury send to GAO government checks intended to be sent to foreign countries on which the Secretary withholds payment, and that GAO credit the accounts of the drawer and the drawee for the amount of the check. The amendment transfers the check-crediting function to the Secretary of the Treasury.

Subsection (f) repeals the requirement that when the head of an Executive department determines that an accountable officer should be held liable for the loss of government property, the department head must certify the charge to GAO in order for GAO to charge the appropriate account for the amount of the loss. This provision of existing law reflects a method of accounting for losses that has been superseded.

Subsection (g) eliminates the Comptroller General's responsibility to prescribe, with the Attorney General claims collection standards governing collection and compromise of claims in favor of the Federal Government. The amendment leaves authority for the standards with the Attorney General.

Subsection (h) deletes the mandate for GAO to audit the payment to private recipients of surcharges assigned to them by law from sales of commemorative coins, and the use and expenditure of the money by the private recipients.

Subsection (i) eliminates the requirement for GAO to report on the implementation of the Cash Management Improvement Act of 1990.

Subsection (j) eliminates the requirement that the Secretary of Housing and Urban Development consult with GAO on guidelines for accounting, audit, and fiscal procedures to be used by local governments to qualify for crime prevention grants.

Subsection (k) eliminates the requirement for GAO to review activities of the Secretary of Housing and Urban Development to evaluate compliance with requirements of the crime prevention block grant program under the Violent Crime and Law Enforcement Act of 1994.

SEC. 116. AMENDMENT RELATING TO TITLE 32, UNITED STATES CODE.

Section 116 transfers from GAO to OMB responsibility to issue regulations and make determinations concerning waivers of recovery of erroneous payments of pay and allowances to National Guard personnel.

SEC. 117. AMENDMENT RELATING TO TITLE 33, UNITED STATES CODE.

Section 117 deletes the requirement that GAO report and make recommendations on how to improve the equitable distribution of water resources development projects in rural areas, and on giving greater emphasis to benefits assumed to result from such projects.

SEC. 118. AMENDMENT RELATING TO TITLE 37, UNITED STATES CODE.

Section 118 deletes the requirement that the Comptroller General, under the direction of the Secretary of the Navy, fix the date of loss of naval vessels that are presumed lost, for purposes of settling accounts of certain persons aboard the vessels.

SEC. 119. AMENDMENT RELATING TO TITLE 38, UNITED STATES CODE.

Section 119 eliminates the mandate that GAO report on any plan by the Secretary of Veterans Affairs for a systematic reduction of the number of Department employees at a specific grade level. The amendment provides that such a report is required only when requested by either the Senate or House Committee on Veterans' Affairs.

SEC. 120. AMENDMENT RELATING TO TITLE 40, UNITED STATES CODE.

Subsection (a) deletes the requirement that GAO approve the payment of expenses incurred in connection with the sale of public property.

Subsection (b) deletes the requirement that the Administrator of General Services send to GAO copies of determinations to exceed the statutory limit that otherwise applies to expenditures for repair or improvement of rented property.

SEC. 121. AMENDMENT RELATING TO TITLE 41, UNITED STATES CODE.

Subsection (a) repeals requirements that GAO review termination settlements with war contractors; report to agencies on settlements that may have been induced by fraud; and report to Congress on agency settlement procedures.

Subsection (b) eliminates the requirement that the Administrator of General Services send to GAO records prepared in connection with termination settlements with war contractors.

Subsection (c) eliminates the requirement that the Executive Branch officials send GAO copies of their determinations to omit the GAO access-to-records clause from negotiated contracts and determinations to make advance payments to contractors.

SEC. 122. AMENDMENTS RELATING TO TITLE 42, UNITED STATES CODE.

Subsection (a) deletes the requirement that the Secretary of Health and Human Services consult with GAO on annual reporting of administrative and support expenses of the National Institutes of Health.

Subsection (b) deletes the requirements for GAO to report on whether the law establishing the National Foundation for Biomedical Research adequately prevents conflicts of interest, and to report on compliance with guidelines established under the law.

Subsection (c) eliminates the requirement that GAO, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, evaluate at least every three years the use of grants for assistance in transition from homelessness. The amendment makes the Administrator solely responsible for the periodic evaluations. The amendment also eliminates a requirement that the Secretary of Health and Human Services consult with the Comptroller General on the content of annual reports by States on the program.

Subsections (d) through (f) delete the requirements that the Secretary of Health and Human Services consult with the Comptroller General on the content of annual reports by the States on their use of various grants.

Subsection (g) eliminates the requirement that GAO review and report on the proposal of the Secretary of Health and Human Services for more accurately calculating a reimbursement rate for medical care providers that enter into risk-sharing agreements with the Secretary.

Subsection (h) eliminates the requirement for GAO to review the ownership of hospitals and other providers of Medicare services by referring physicians.

Subsection (i) eliminates the requirement for GAO to report annually on pricing of prescription drugs sold to the Federal Government, purchasing groups, and managed care plans.

Subsection (j) eliminates the requirement for a GAO study of a demonstration project, under the Department of Housing and Urban Development, to attract pension fund investment in affordable housing.

Subsection (k) eliminates the requirement that GAO conduct an annual audit of the integral set of accounts required to be maintained by the Secretary of Housing and Urban Development in connection with low-income housing programs.

Subsection (l) deletes the requirement for GAO to submit reports on the Family Self-Sufficiency program of the Department of Housing and Urban Development.

Subsection (m) eliminates the requirement that the Comptroller General serve in an advisory capacity and perform certain oversight functions with respect to the National Commission to Support Law Enforcement. The amendment grants GAO discretion over its provision of assistance to the Commission.

Subsection (n) repeals the requirement for GAO to report on the Incentive Grants for Local Delinquency Prevention program.

Subsection (o) repeals the requirement that GAO audit each recipient of a loan guarantee for alternative fuel demonstration facilities every 6 months that the guarantee is in effect.

Subsection (p) eliminates the requirement for an annual report by GAO on its exercise, if any, of subpoena authority under the Energy Policy and Conservation Act.

Subsection (q) deletes the requirement that the Secretary of Energy consult with GAO concerning the terms and conditions of offers of government guarantees of financing for energy and renewable resource development.

Subsection (r) eliminates the mandate for GAO to report annually on the incremental costs and benefits of pollution control strategies required by the Clean Air Act Amendments of 1990, and to conduct a study of the effects of the Amendments on employment.

Subsection (s) eliminates the requirement for a series of annual reports by GAO on efforts by Federal agencies to save energy through contracts.

Subsection (t) eliminates the requirement that GAO report annually on the use of funds for certain programs under the McKinney Homeless Assistance Amendments of 1990.

Subsection (u) eliminates the requirement that the Attorney General consult with GAO before issuing guidelines for accounting procedures to be used by local governments to qualify for crime prevention grants under the Violent Crime Control and Law Enforcement Act of 1994.

Subsection (v) deletes the requirement that GAO report on the differences between hospital-based and freestanding skilled nursing facilities under Medicare.

Subsection (w) eliminates the requirement that GAO analyze, on a geographic basis, the supplier costs for durable medical equipment under Medicare.

SEC. 123. AMENDMENTS RELATING TO TITLE 44, UNITED STATES CODE.

Subsection (a) eliminates the requirement that GAO audit the Government Printing Office (GPO) at least every 3 years. The amendment adds a requirement that the Public Printer prepare an annual financial statement for GPO. It also substitutes for the GAO audit mandate a requirement for an annual audit covering both financial and operational activities, to be conducted either by an independent external auditor selected by the Public Printer or, at the request of the Joint Committee on Printing, by the Inspector General of GPO. The amendment preserves GAO's authority to audit GPO financial statements on a self-initiated basis or at

the request of the Joint Committee, and provides that when the Comptroller General conducts such an audit, it is in lieu of the audits described above.

Subsection (b) eliminates the requirement that the Public Printer print a minimum number of copies annually of a single volume containing selected decisions and opinions of the Comptroller General. All Comptroller General decisions and opinions are today distributed widely through other means, including commercial publication from a variety of sources on paper, CD–ROM, and in electronic databases, as well as from GAO and other government sources through the Internet. Repealing the requirement for annual publication of a volume of relatively few decisions will save money without diminishing public availability of the information.

SEC. 124. AMENDMENT TO TITLE 45, UNITED STATES CODE.

Section 124 deletes the requirement for an annual GAO report on the effectiveness of the loan guarantee program for high-speed rail facilities provided for in the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 125. AMENDMENT RELATING TO TITLE 46, UNITED STATES CODE.

Section 125 transfers from GAO to the General Services Administration (GSA) responsibility to disallow payment for Federal employee travel costs or shipping costs on non-American flag ships in the absence of proof of necessity for use of a foreign-flag ship.

SEC. 126. AMENDMENTS RELATING TO TITLE 47, UNITED STATES CODE.

Subsection (a) eliminates the requirement that GAO approve standards set by the Corporation for Public Broadcasting for valuing the services of volunteers, in order to measure the level of non-Federal financial support for public broadcasting.

Subsection (b) eliminates the requirement that GAO report every two years on payments by the Attorney General to telecommunications carriers for interception of communications, pursuant to the Communications Assistance for Law Enforcement Act. The amendment substitutes the Inspector General of the Department of Justice for GAO.

SEC. 127. AMENDMENTS RELATING TO TITLE 49, UNITED STATES CODE.

Subsection (a) eliminates the requirement for GAO financial audits of the accounts of the Department of Transportation.

Subsection (b) eliminates the requirement that GAO evaluate, every two years, the extent to which current mass transportation needs are addressed adequately and estimate future mass transportation needs.

Subsection (c) eliminates the requirement that GAO make regular financial and performance audits of local rail freight activities supported by the Department of Transportation.

Subsection (d) transfers from GAO to GSA responsibility to disallow reimbursement to Federal employees and officers traveling overseas on official business for use of foreign air carriers, unless satisfactory proof of necessity is presented.

Subsection (e) eliminates the requirement for GAO financial audits of accounts maintained by the Secretary of Transportation in connection with aviation insurance offered by the Department of Transportation.

Subsection (f) deletes requirements that GAO report annually to the Congress on all GAO audits, and on all reviews by GAO of independent audits, of recipients of grants for airport and airway development.

Subsection (g) deletes the requirement for GAO to conduct a study of the advisability of giving enhanced procurement authority to the Federal Aviation Administration.

SEC. 128. AMENDMENTS RELATING TO TITLE 50, UNITED STATES CODE.

Subsection (a) eliminates the requirement for GAO audit and approval of termination payments by the Secretary of the Air Force for procurement of the semiautomatic ground environment system.

Subsection (b) transfers from GAO to the Treasury Department responsibility to settle claims for payments from the War Claims Fund on behalf of individuals who are deceased or under a legal disability.

Subsection (c) eliminates the requirement that GAO receive and assess the President's reports to Congress on foreign policy controls over exports under the Export Administration Act of 1979.

SEC. 129. AMENDMENT RELATING TO THE DISTRICT OF COLUMBIA

Section 129 deletes a provision of the District of Columbia Code requiring that GAO receive and comment on annual reports by the enrolled actuary of the District Retirement Board on the District of Columbia Retirement Fund for Police and Firefighters.

TITLE III—CONFORMING AMENDMENTS TO ENACT TRANSFERS AND DELEGATIONS OF FUNCTIONS UNDER OTHER LAWS

In general

Section 211 of the Legislation Branch Appropriations Act, 1996 (Public Law 104–53, 109 Stat. 535) transferred a number of GAO's ''executive'' type functions to OMB, effective on June 30, 1996, and authorized the Director of OMB to delegate those functions to other Federal agencies. In all but a few cases, the Director has now delegated the functions.

Title II of the bill makes conforming amendments to the statutes underlying the functions covered by section 211 of the 1996 Appropriations Act in order to reflect the transfers to OMB and further delegations by OMB of those functions. For the most part, the conforming amendments of title II delete references to the Comptroller General or GAO in these underlying statutes and substitute references to the officials or agencies now vested with responsibility for the functions pursuant to section 211 of the 1996 Appropriations Act. Where the delegation of a function has not been completed, the conforming amendment reflects that transfer to OMB and preserves the OMB Director's authority to delegate further.

SEC. 201. PURPOSE.

Section 201 states the purpose of title II, which as described above, is to amend provisions of law to conform to the transfers and delegations of functions made pursuant to section 211 of the 1996 Legislative Branch Appropriations Act.

SEC. 202 CONFORMING AMENDMENTS.

Subsection (a) amends 5 U.S.C. 5564, relating to claims for proceeds from certain property sales, by substituting ''the Administrator of General Services'' for GAO. This reflects OMB's delegation of the function to GSA.

Subsection (b) amends 5 U.S.C 5583, relating to the disposition of accounts of deceased Federal employees, by substituting the Director of OPM for the Comptroller General. This reflects OMB's delegation of the function to OPM.

Subsection (c) amends 10 U.S.C. 2312, relating to remission of liquidated damages, by substituting Secretary of the Treasury for Comptroller General in accordance with OMB's delegation.

Subsection (d) amends 10 U.S.C. 2575, relating to the disposition of unclaimed property held by the military departments and the Department of Transportation, by substituting ''Secretary of Defense'' for GAO in accordance with OMB's delegation.

Subsection (e) amends 10 U.S.C. 2733 and 2734, concerning the payment of certain claims from the permanent, indefinite appropriation known as the ''Judgment Fund,'' by substituting Secretary of the Treasury for Comptroller General. This reflects OMB's delegation of functions relating to the Judgment Fund to the Treasury Department.

Subsection (f) amends 10 U.S.C. 2771, authorizing the issuance of regulations governing payments to deceased military members, by substituting the Secretary of Defense for the Comptroller General pursuant to OMB's delegation.

Subsection (g) amends 10 U.S.C. 4712 and 9712, which required that certain records concerning disposition of the effects of deceased military members be sent to GAO. The conforming amendment repeals the subsection that required such reports.

Subsection (h) amends section 7 of the International Claims Settlement Act of 1949, 22 U.S.C. 1626, concerning the settlement of certain claims against foreign governments, by substituting Secretary of the Treasury for Comptroller General. This reflects OMB's delegation of the settlement function to the Treasury Department.

Subsection (i) amends section 1709 of the Revised Statutes, 22 U.S.C. 4195, concerning the disposition of the effects of United States citizens who died abroad, to reflect OMB's delegation of this function to the State Department.

Subsection (j) amends section 1520 of the Armed Forces Retirement Home Act of 1991, 24 U.S.C. 420, concerning the disposition of the effects of deceased residents of the Retirement Home, to reflect OMB's delegation of this function to the Secretary of Defense.

Subsections (k) through (m) amend various statutory provisions relating to payments from the Judgment Fund to reflect OMB's delegation of Judgment Fund functions to the Treasury Department.

Subsection (n) amends 31 U.S.C. 3702, concerning the settlement of claims against the United States, to implement OMB's delegations. As reflected in the amendments, OMB has delegated authority to settle certain categories of claims to the Secretary of Defense, the Director of the Office of Personnel Management, and the Administrator of General Services. Settlement authority for claims that do not fall into any of these categories is retained in OMB, pending further delegation.

Subsection (o) amends 31 U.S.C. 3726, relating to certain transportation claims, by substituting Administrator of General Services for Comptroller General in accordance with OMB's delegation of this function to GSA.

Subsection (p) amends 31 U.S.C. 3728, authorizing setoffs against Judgment Fund payments, to reflect OMB's delegation of Judgment Fund functions to the Treasury Department.

Subsection (q) amends 32 U.S.C. 714, authorizing the Comptroller General to prescribe regulations governing the payment of amounts due to deceased members of the National Guard, to reflect OMB's delegation of this function to the secretaries of the military departments.

Subsection (r) amends 32 U.S.C. 715, relating to payment of certain claims from the Judgement Fund, to reflect OMB's delegation of Judgment Fund functions to the Treasury Department.

Subsection (s) amends 37 U.S.C. 554, relating to claims for proceeds from certain property sales, by substituting the Secretary of Defense for GAO.

Subsection (t) amends 38 U.S.C. 5122 to repeal a reference to GAO's settlement of claims relating to certain canceled checks since GAO no longer exercises such claims settlement authority. See subsection 202(n), above.

Subsection (u) amends section 10 of the Act of September 5, 1950, 41 U.S.C. 256a, relating

to remission of liquidated damages, to reflect OMB's delegation of this function to the Secretary of the Treasury.

SEC. 203. REPEAL.

Section 203 repeals those portions of section 211 of the 1996 Legislative Branch Appropriations Act that now have been fully implemented and are, therefore, no longer operative. The protections in section 211 for transferred GAO employees, which remain in effect, are retained.

SEC. 204. AUTHORITY TO RENDER DECISIONS.

Section 204 amends 31 U.S.C. 3529 to vest in the Director of OMB responsibility to issue advance decisions to government accountable officers on questions involving functions transferred to the Director under any of the provisions of title I or title II. Where the Director has delegated a function to another Federal agency, the Director may also delegate to that agency responsibility for issuing advance decisions.

Mr. Speaker, I want to take time at this moment to praise the chairman of our full committee, the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the subcommittee of jurisdiction, the gentleman from California [Mr. HORN], and also the ranking member of the Committee on Government Reform and Oversight, the gentlewoman from Illinois [Mrs. COLLINS], and also the ranking member of the subcommittee, the gentlewoman from New York [Mrs. MALONEY].

This is an example of a good government bill that was arrived at in bipartisan fashion. As the Chair has indicated, there are amendments to the bill. The bill that we consider today is not the same bill that was originally introduced. Rather than butting heads and saying we could not reach agreement, both sides of the aisle came together and produced this H.R. 3864, as amended. I not only want to commend the Members of Congress who worked on the bill but also the staffs of the subcommittee and the full committee on both sides of the aisle.

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

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I am proud to support the bill, H.R. 3864, as amended. The gentleman from Ohio [Mr. LATOURETTE] has wisely incorporated an amendment striking title I of the original bill, and I appreciate his taking into consideration the views of the minority. That title contains certain controversial provisions such as changing the term and pension of the Comptroller General and establishing an oversight board for the GAO, thereby possibly restricting some of its necessary independence.

The integrity, independence and quality of the GAO are well established and relied on by the public and Members of Congress. We must be extremely careful not to do anything which might damage that practice, reputation and independence.

This bill as amended is almost identical to the one ordered reported unanimously by the Committee on Government Reform and Oversight. The GAO worked closely with both the majority and minority in helping to draft this statute.

Mr. Speaker, this bill eliminates many unnecessary congressionally mandated reports. In some cases, the GAO needs flexibility rather than being bound to a fixed reporting schedule. In still other cases, the function eliminated would more properly be performed by some other entity like the inspector general or an independent auditor.

In short, Mr. Speaker, this bill allows the GAO to be governed by common sense, not statutory and bureaucratic mandates that waste the GAO's time and taxpayers' money.

It eliminates procedures instituted for reasons that few people even remember, and it ends pencil pushing for pencil pushing's sake.

The GAO itself estimates that this bill will save between $6 and $10 million. Given the GAO's track record, that estimate is probably accurate. Given the recent cuts eliminating these mandatory reports makes common sense and good sense.

The GAO is Congress's and our Nation's primary watchdog agency, responsible for providing credible objective and nonpartisan reports and evaluations of the programs and management of the executive branch.

The GAO has done an excellent job in fulfilling this mandate in a timely and professional manner and despite recent staff and funding cuts. This bill makes its job easier, saves taxpayer money and allows the GAO to be much more efficient. The bill has broad bipartisan support, and I am proud to support it as well.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 3864.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time urging my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. LATOURETTE], that the House suspend the rules and pass the bill, H.R. 3864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office.''

A motion to reconsider was laid on the table.

UKRAINE INDEPENDENCE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 120) supporting the independence and sovereignty of Ukraine and the progress of its political and economic reforms, as amended.

The Clerk read as follows:

H. CON. RES. 120

Whereas August 24, 1996, marks the fifth anniversary of the independence of Ukraine;

Whereas the independent State of Ukraine is a member State of the United Nations and the United Nations has established in Ukraine an office to assist Ukraine in building relations with the international community and in coordinating international assistance for Ukraine;

Whereas the independent State of Ukraine is a member State of the Council of Europe, the Organization on Security and Cooperation in Europe, the Central European Initiative, and the North Atlantic Cooperation Council of the North Atlantic Alliance, is a participant in the Partnership for Peace program of the North Atlantic Alliance, and has entered into a Partnership and Cooperation Agreement with the European Union;

Whereas the United States recognized Ukraine as an independent State on December 25, 1991;

Whereas Ukraine is a major European nation, having the second largest territory and sixth largest population of all the States of Europe;

Whereas Ukraine has an important geopolitical and economic role to play within Central and Eastern Europe and a strong, stable, and secure Ukraine serves the interests of peace and stability in all of Europe, which is also an important national security interest of the United States;

Whereas Ukraine conducted its first presidential and parliamentary elections as an independent State in 1994, carrying such elections out in a free and fair manner and moving further away from the former communist model of one-party, centralized, totalitarian rule;

Whereas Ukraine's presidential elections of July 1994 resulted in the first peaceful transfer of executive power in any of the independent States of the former Soviet Union;

Whereas on June 28, 1996, the Parliament of Ukraine adopted a new constitution for Ukraine;

Whereas Ukraine's economic and social stability depend on its ability to build a stable market-based economy and a legal system based on the rule of law, attract foreign investment, improve tax and revenue collection, and build its export sectors;

Whereas Ukraine was the first of the independent states of the former Soviet Union to have appointed a civilian to the office of Minister of Defense, an historic precedent in support of civilian control and oversight of the armed forces of Ukraine;

Whereas Ukraine is pursuing political and economic reforms intended to ensure its future strength, stability, and security and to ensure that it will assume its rightful place among the international community of democratic States and in European and trans-Atlantic institutions;

Whereas through the agreement by the Government of Ukraine to the establishment of a mission from the Organization on Security and Cooperation in Europe in the region of Crimea, Ukraine has shown its interest in avoiding the use of force in resolving ethnic and regional disputes within Ukraine;

Whereas all nuclear weapons were removed from Ukraine by June 1, 1996, and Ukraine has taken very positive steps in supporting

efforts to stem proliferation of nuclear weapons by ratifying the START–I Treaty on nuclear disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas in December 1994, the Presidents of the United States and the Russian Federation and the Prime Minister of Great Britain signed a Memorandum on National Security Assurances for Ukraine as depository States under the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas the Secretary of Defense of the United States and the Minister of Defense of Ukraine signed a Memorandum of Understanding on cooperation in the field of defense and military relations on July 27, 1993;

Whereas Ukraine has sought to promote constructive cooperation with its neighbors through humanitarian assistance and through mediation of disputes;

Whereas Ukraine has provided Ukrainian troops as part of the international peacekeeping force meant to prevent the spread of conflict in the states of the former Yugoslavia; and

Whereas Ukraine has acted in defense of its sovereignty and that of other newly independent states by opposing the emergence of any political or military organization which has the potential to promote the reintegration of the states of the former Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Ukraine has made significant progress in political reform in its first 5 years of independence and that it is to be congratulated for the successful conduct of free and fair elections for the presidency and parliament and for the adoption of a new constitution;

(2) the territorial integrity of Ukraine in its existing borders is an important element of European peace and stability;

(3) the President and Parliament of Ukraine should focus their efforts on passing legislation needed to implement the new democratic constitution;

(4) the Government of Ukraine should continue its efforts to ensure the rights of all citizens of Ukraine regardless of their ethnic or religious background;

(5) the Government of Ukraine should make its first priority the dismantling of the remaining socialist sectors of its economy, particularly by speedily privatizing medium and large state-owned enterprises, privatizing state and collective farms and ending their monopolistic control of the agro-industrial sector, and fostering a competitive market-based energy sector;

(6) the Government of Ukraine should make the necessary institutional and legal reforms to create a stable tax regime, foster market-based competition, protect the right to private property, and make other changes that build a positive climate for foreign investment;

(7) the Government of Ukraine should make it a priority to build the institutional capacity and legal framework needed to fight crime and corruption effectively in a democratic environment;

(8) the Government of Ukraine should continue its cooperative efforts with the ''G–7'' group of States to safely and expeditiously shut down the nuclear reactors at Chernobyl, Ukraine;

(9) the President of the United States should support continued United States assistance to Ukraine for its political and economic reforms, for efforts associated with the safe and secure dismantlement of its weapons of mass destruction, and for the increased safety of operation of its civilian nuclear reactors, and assistance for the establishment of rule of law, for criminal justice and law enforcement training, and for the promotion of trade and investment, and in this regard United States assistance to the Ukraine should leverage private-sector involvement as much as possible;

(10) the President of the United States should urge that the Government of the Russian Federation, in line with the assurances for the security of Ukraine made by the President of the Russian Federation in the January 1994 Trilateral Statement on Nuclear Disarmament in Ukraine, offer Ukraine its promised highest possible cooperation, fully and finally recognizing Ukraine's sovereignty and territorial integrity and refraining from any economic coercion of Ukraine;

(11) the Government of Ukraine should continue to act in defense of its sovereignty and that of the other independent states of the former Soviet Union by opposing the emergence of any political or military organization which would have the potential to promote the reintegration of the states of the former Soviet Union;

(12) the President of the United States should ensure that Ukraine's national security interests are fully considered in any review of European security arrangements and understandings;

(13) the President of the United States should support continued United States security assistance for Ukraine, including assistance for training of military officers, military exercises as part of the North Atlantic Alliance's Partnership for Peace program, and appropriate military equipment to assist Ukraine in maintaining its defensive capabilities as it reduces its military force levels;

(14) the President of the United States should ensure the United States Government's continued efforts to assist Ukraine in its accession to the World Trade Organization; and should ensure, in particular, that the potential for aerospace and space cooperation and commerce between the United States and Ukraine is fully and appropriately exploited; and

(15) as a leader of the democratic nations of the world, the United States should continue to support the people of Ukraine in their struggle to bring peace, prosperity, and democracy to Ukraine and to the other independent states of the former Soviet Union.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GILMAN. Mr. Speaker, I am very pleased that the House is today taking up House Concurrent Resolution 120, a measure that recognizes the important role that the nation of Ukraine now plays in Europe and that recognizes the progress of political reforms in Ukraine.

Mr. Speaker, I introduced this resolution—along with my colleagues, Mr. GOODLING of Pennsylvania, Mr. SOLOMON of New York, and Mr. HOKE of Ohio—simply because events in Ukraine will inevitably have consequences for all of Europe—both East and West.

It is perhaps understandable, but it is indeed unfortunate, that we here in the United States have most often focused our attention on Russia to the exclusion of Ukraine. Certainly, Russia is an important country undergoing tremendous changes, but we should not overlook the important role that Ukraine will play in the region of the former Soviet Union and in Europe—or overlook the developments that have taken place in that country since 1991. Ukraine has the second largest territory, after Russia, and the sixth largest population of all the states of Europe.

As this resolution notes, Ukraine celebrated the fifth anniversary of its new independence on August 24.

The resolution then notes many of the positive developments regarding Ukraine that have taken place in the last 5 years, including:

The peaceful transfer of executive power after free and fair elections for the Presidency were held in July 1994—the first such peaceful transfer of executive power in any of the New Independent States of the former Soviet Union;

The first appointment of a civilian to the post of Minister of Defense—an historic precedent for the region of the former Soviet Union in support of civilian control of military forces;

Ukraine's recent adoption of a new, democratic constitution;

Ukraine's decision to relinquish all of its Soviet-era nuclear warheads—a commitment it has now fulfilled;

Ukraine's continuing program of economic reform;

Ukraine's membership in the NATO Alliance's Partnership for Peace Program; and

Ukraine's efforts to ensure that no political or military organization emerges with the potential to recreate the former Soviet state.

Given the importance of Ukraine to the future stability and security of Europe, the resolution calls on the President of the United States to support continued United States assistance to that country, including security assistance; insist that Russia fully recognize Ukraine's sovereignty and territorial integrity; and ensure that Ukraine's interests are considered in any review of European security arrangements.

House Concurrent Resolution 120 also calls on Ukraine itself to continue with badly needed economic reforms—including reforms that will address the serious problem of corruption within the government bureaucracy. It also notes that Ukraine should continue its opposition to any efforts to reintegrate the states of the former Soviet Union and it calls on Ukraine to continue its efforts to close the unsafe nuclear reactors at Chernobyl.

In closing, Mr. Speaker, it is important for all us to recognize that we cannot take future developments in Russia, Ukraine, or any of the other New Independent States of the former Soviet Union for granted.

Even now, 5 years after the breakup of the Soviet Union, the region of that former state contains the seeds for potential conflict that could dwarf the

bloodshed that has accompanied the breakup of the former Yugoslavia. As the recent assassination attempt against Ukrainian Prime Minister Pavlo Lazarenko demonstrates, Ukraine is by no means exempt from the possibility of such internal or external conflicts.

It would be helpful to the continued stability of Ukraine and to its integration into post-cold war Europe for this Congress to recognize what Ukraine has accomplished in its first 5 years of independence—and to encourage it forward in its ongoing political and economic transformation.

It is hoped that this resolution—stating America's strong support for Ukraine—will merit the support of my colleagues.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Mr. Speaker, first I want to express my appreciation to Chairman GILMAN for bringing this resolution to the floor of the House. I want him to know I especially appreciate the time and effort he made to make this a bipartisan project. Both he and his staff consulted very carefully with the minority and we appreciate that.

This resolution, as the chairman has said, recognizes Ukraine's political reforms over the last 4 years, supports Ukraine's independence, sovereignty, and territorial integrity, congratulates Ukraine on passing a new reform-oriented Constitution on June 28 of this year.

The resolution also recognizes Ukraine for removing all nuclear weapons from its territory by June 1 of this year and for its humanitarian assistance in the region of the former Soviet Union. The resolution calls upon the President of the United States to provide continued security and reform-oriented assistance to Ukraine, support Ukraine's interests in the context of European security arrangements, support Ukraine's leadership in opposing any political or military organization which has the potential to promote the reintegration of the states of the former Soviet Union.

The resolution also calls on Ukraine to focus its efforts on dismantling the remaining Socialist sectors of its economy and to institute the reforms needed to foster market-based competition, attract foreign investment, fight crime and corruption effectively in a democratic environment.

Ukraine has made progress on reform. Achieving reform has been difficult, and we all recognize that Ukraine faces enormous economic and social challenges.

The resolution calls on Ukraine to continue on the path of reform. This course best serves the interests of the Ukrainian people and promotes strong United States-Ukrainian relations.

Again, I commend Chairman GILMAN for his willingness to work with this side of the aisle in making this a strong bipartisan resolution. It was reported by voice vote unanimously, I believe, from the committee. It has the support of the administration. I urge the adoption of House Concurrent Resolution 120.

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

Mr. GILMAN. Mr. Speaker, I thank the ranking minority member, Mr. HAMILTON, for his supportive comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 120, honoring the independence and sovereignty of Ukraine and the progress of its political and economic reform.

June 26, 1996 will be a day that Ukrainians will honor for generations to come, for on this day the Ukrainian Parliament finally approved a new post-Soviet constitution for the people of Ukraine. This constitution guarantees for the first time the right to private ownership, including the right to own land.

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It may be hard for many of us to understand what a significant achievement this is for the Ukrainian people who have struggled under various rulers for more than 300 years. We need only to listen to Walter Monastaryski of Margaretville, NY, a proud son of Ukrainian immigrants, or visit the parishioners of Saint Vladimir's Ukrainian Catholic Church or St. Peter and Paul's Ukrainian Orthodox Church, both in Utica, NY, my hometown.

They will tell you the stories of their courageous families and friends who gave their lives fighting against Stalin and the Nazis before and during World War II. Few people know more than 10 million Ukrainians died fighting for independence, but now the people of Ukraine and their descendants all over the world can hold their heads up high as Ukraine moves forward to ensure the rights of all citizens to transform its economy to privatize state-owned enterprise and to work in concert with G–7 nations to shut down the nuclear reactors at Chernobyl.

This resolution tells the people of Ukraine several things. It tells them we know reform is difficult, it tells them we want to praise them for their sacrifices and for their efforts, and it also tells them that we stand committed to helping them achieve their goals.

Mr. Speaker, I urge all of my colleagues to support this important measure for the people of the Ukraine, and I thank my chairman for yielding.

Ms. DELAURO. Mr. Speaker, as a cosponsor of this resolution, I congratulate Ukraine on its independence and commend it on its outstanding progress since emerging from Soviet tyranny.

Harsh Soviet rule tried the will and strength of the Ukrainian people, trampling free speech and worship, and threatening any who would oppose the repressive regime. But the resolve of Ukrainians was rewarded, and today, Ukrainians control their own destiny. Perhaps the most telling signs of Ukrainian independence are the legislative and presidential elections held just 2 years ago. Democracy is planted once again, and people can breathe free.

For over 40 years, the cold war dominated international relations as the United States and the Soviet Union focused their energies and resources on attempts to outdo each other. During this time, Ukraine became a repository for Soviet nuclear weapons.

Since being freed from Soviet oppression, Ukraine has repeatedly demonstrated its commitment to nuclear disarmament. Ukraine joined international arms control regimes such as START I and the Non-Proliferation Treaty. Ukraine truly demonstrated its commitment to disarmament, however, when it chose to discard remaining Soviet nuclear weapons.

Free elections and the rejection of nuclear weapons are cause for celebration. These milestone events help reinforce that yes, the cold war and its accompanying fear really are over. The United States must recognize the tremendous achievement of Ukrainians and reward their resolve with more than words. We must provide the help needed to establish free markets, strengthen democratic institutions, and ensure that Ukraine will continue on the historic path it has pursued since winning independence in 1991.

We commend Ukraine on its independence, elections, and truly historic progress. At the same time, we pledge our steadfast support as Ukrainians build a free and prosperous nation.

Mr. LEVIN. Mr. Speaker, I rise today in support of House Concurrent Resolution 120 which commends Ukraine for its significant progress toward democratic and economic reform since it declared its independence 5 years ago.

Under the able leadership of President Leonid Kuchma and the Parliament, Ukraine has made great strides in reform. Namely, they adopted a new constitution in June and stayed on the course of a vigorous economic reform initiative that has set the country on the track toward strength and stability.

Under the economic plan, inflation has gone from the overwhelming level of 10,000 percent in 1993 to 181 percent in 1995 to an anticipated level of about 40 to 45 percent by the end of this year. Privatization efforts in Ukraine, while moving slowly, are now gaining momentum. By the end of 1995, the state had sold off 38 percent of its assets and privatized small enterprises at a rate of 400 per month. By the end of this year, Ukrainian officials hope to have five of Ukraine's largest enterprises sold off. Because of such efforts GDP has grown by 5 percent and average income levels have risen by over 100 percent.

In addition to its economic achievements, Ukraine has also become an important factor in the new security arrangement in Europe. The country has fully complied with all reductions in force under the Conventional Forces

in Europe Agreement. Furthermore, Ukraine is an active participant in NATO's Partnership for Peace Program. Most importantly, Ukraine has dismantled its nuclear arsenal which it inherited from the Soviet Union and has signed onto the Nuclear Non-Proliferation Treaty.

The new constitution adopted overwhelmingly in June by Ukraine's Rada by a vote of 315 to 36 with 12 members abstaining, establishes Ukraine as an independent and democratic state. The new constitution guarantees the rights of minorities, including allowing for the autonomy of the Republic of Crimea within its borders. Furthermore, it sets the stage for that country's next elections to take place for Parliament in 1998 and for President in 1999.

While Ukraine still has many problems to deal with, in particular commercial law reform, Chernobyl, and its energy shortfall, the framework now exists with the new constitution to make even more substantial progress over the next few years. Such progress deserves the support of the United States.

I urge all my colleagues to vote for the resolution and take a good hard look at Ukraine. Congress needs to provide assistance to ensure that this country remains on the path toward democracy and a free market economy.

The House should soon get its chance if an agreement is reached on the fiscal year 1997 Foreign Operations appropriation which will hopefully include $225 million in earmarked aid for Ukraine. This money will be used to help support needed infrastructure changes within Ukraine and help to shore up Ukraine's nuclear energy program.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 120, a resolution acknowledging Ukraine's commitment to democracy. Ukraine is one of our most important allies among the New Independent States [NIS] of the former Soviet Union. Since its independence in 1991, Ukraine has instituted democratic reforms, making it the most stable country in the region.

In 1994, Ukraine held democratic elections, voting in a new parliament and a new president. Ukraine has accepted all of our requests, including the ratification of START and NPT, and instituted economic reforms that have won praise from the IMF and G–7.

I am proud to congratulate Ukraine on its democratic record. Ukraine has the sixth largest population in Europe, and plays an integral role in European peace and stability. Given Ukraine's importance in the region, it is critical that the United States show strong economic support for Ukraine.

Although there have been reductions in the foreign aid budget, we must continue to make our international priorities very clear. We must send a clear signal to Ukraine, and other emerging democracies, that the United States supports efforts to adopt democratic reforms, maintain a good human rights record, progress with economic reforms, and unilaterally disarm their nuclear arsenal.

Mr. Speaker, Ukraine is deserving of our respect, praise, and commitment.

Mr. LANTOS. Mr. Speaker, I thank the chairman of the International Relations Committee for his effort and insight in bringing this important resolution to the floor of the House today. I am pleased to join him as a cosponsor of this important resolution congratulating Ukraine on the progress that this newly independent country has made toward achieving a democratic society and a functioning market economy.

Mr. Speaker, we in the United States have an important stake in the future success and prosperity and democratic progress of the Ukraine—and what takes place in Ukraine will reverberate well beyond the borders of that country. It can rightfully be said, Mr. Speaker, that as Ukraine goes, so will go the newly independent republics of the former Soviet Union, including Russia.

With the exception of Russia, Ukraine has the largest population of the former Soviet republics. It also has the largest, most advanced and most highly diversified economy of all of the independent former Soviet Republics. If Ukraine is able to maintain its sovereignty and its independence from Russia while at the same time establishing the economic and political ties with its closest and largest neighbor, this will bring us a good deal closer to our goal of seeing democracy take root throughout the former Soviet Union. We must encourage Russia to recognize, respect, and observe in practice the full sovereignty of Ukraine. This is as important a consideration for the policy of the United States toward Russia as it is of our policy toward Ukraine.

We have reason for considerable optimism in regard to the progress of democracy in Ukraine, Mr. Speaker. The Presidential election on July 19, 1994, and parliamentary elections that took place just a few months earlier on March 27, 1994, are important milestones in democracy in Ukraine. For a population that has not had the benefit of a tradition of a free and open and democratic electoral process, the people of Ukraine have shown a remarkable commitment to democracy through their participation in these elections.

Mr. Speaker, an important marker that is on the horizon is the adoption of a new constitution for Ukraine. As the people and the Government of Ukraine make progress in working on their new constitution, it is important that they provide assurances of full civil and human rights for all peoples of Ukraine. That is of vital importance to the future of that country, and it is vital for the future of relations between the United States and Ukraine. We in the United States have a strong commitment to respect for civil and human rights, and—as is evident from the attention and focus we give to the annual ''Country Reports on Human Rights Practices''—our relationship with other countries is very much conditioned upon their respect for these important rights. We in the United States wish President Kuchma, the Government, and the Parliament success as they work out the details of this fundamental charter of democracy.

Mr. Speaker, we in the United States also have a strong interest in the success of economic reform in Ukraine. Moving ahead quickly to transform the economy is essential for democratic progress and for the prosperity of the Ukrainian people. The social and economic and political change in Ukraine has not been easy on the citizens of that country, and for this reason it is important that economic growth provide material benefits for the people. We in the United States have a stake in that success, and it is important that we here undertake all efforts to assure victory in that process.

Mr. Speaker, I join in urging continued support for the Ukrainian people in their ongoing fight to bring peace, economic success, and political democracy to Ukraine.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive remarks.

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

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 120, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

VOICE OF AMERICA RECORDINGS

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3916) to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

The Clerk read as follows:

H.R. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available.

(b) TERMINATION.—Subsection (a) shall cease to have effect 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GILMAN. Mr. Speaker, I am pleased to present H.R. 3916 to the House.

This bill, which was cosponsored by my colleagues from New Jersey, Mr. ANDREWS and Pennsylvania, Mr. FOX, will permit university-level linguistic researchers to use Voice of American and Radio Marti transcripts for the purpose of research. The authority provided in this bill sunsets after 5 years.

This legislation is necessary since the U.S. Information Agency is forbidden to disseminate domestically the materials it produces. This legislation waives this prohibition, allowing USIA to provide computer-readable multilingual text and recorded speech in various languages to the University of Pennsylvania's Linguistic Data Consortium. The authority to release the VOA transcripts is carefully targeted to the university-level research community.

All the data to be received by the Consortium will be processed in electronic form by computers to create statistical tables and models of speech and written language, from which content is not recoverable. Thus there is no question of the data being redistributed as news or as any kind of product other than a data base for linguistic research and development.

The Linguistic Data Consortium is a nonprofit organization founded in 1992 with the mission of making resources for research in linguistic technologies widely available. About 80 companies, universities, and government agencies are members of the consortium. The data will be provided at not cost to the Government; the consortium is required to reimburse the Government for any costs the Government incurs.

The U.S. Information Agency, I should add, has no objective to the enactment of this legislation.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3916.

As Chairman GILMAN has explained, this bill will allow the U.S. Information Agency to make available certain transcripts and recordings to a research consortium associated with the University of Pennsylvania.

The Linguistic Data Consortium is associated with the University of Pennsylvania and other universities, companies, and Government agencies. It will use these materials in research into computerized speech recognition and voice synthesis, document retrieval, computerized translation, and other areas.

Transcripts of broadcasts by the Voice of America and Radio Marti are considered unusual and valuable for research by this consortium because these services broadcast in so many languages.

This research could lead to the development of software that will help U.S. companies as well as Government agencies translate their products and technology into other languages. This is an area where our European counterparts are ahead of the United States.

Research conducted as a result of this bill could help U.S. companies catch up.

I commend the chairman for bringing this bill forward and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 3916.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECLAMATION RECYCLING AND WATER CONSERVATION ACT OF 1996

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3660) to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reclamation Recycling and Water Conservation Act of 1996''.

SEC. 2. WATER RECYCLING PROJECTS.

(a) IN GENERAL.—The Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating sections 1615, 1616, and 1617 as sections 1631, 1632, and 1633, respectively, and

(2) by inserting after section 1614 the following new sections:

''SEC. 1615. NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the North San Diego County Area Water Recycling Project, consisting of projects to reclaim and reuse water within service areas of the San Elijo Joint Powers Authority, the Leucadia County Water District, the City of Carlsbad, and the Olivenhain Municipal Water District, California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1616. CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Calleguas Municipal Water District Recycling Project to reclaim and reuse water in the service area of the Calleguas Municipal Water District in Ventura County, California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1617. CENTRAL VALLEY WATER RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Central Valley Water Recycling Project to reclaim and reuse water in the service areas of the Central Valley Reclamation Facility and the Salt Lake County Water Conservancy District in Utah.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1618. ST. GEORGE AREA WATER RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the St. George Area Water Recycling Project to reclaim and reuse water in the service area of the Washington County Water Conservancy District in Utah.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1619. WATSONVILLE AREA WATER RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Watsonville, California, is authorized to participate in the design, planning, and construction of the Watsonville Area Water Recycling Project to reclaim and reuse water in the Pajaro Valley in Santa Cruz County, California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1620. SOUTHERN NEVADA WATER RECYCLING PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and

local authorities, is authorized to participate in the design, planning, and construction of the Southern Nevada Water Recycling Project to reclaim and reuse water in the service area of the Southern Nevada Water Authority in Clark County, Nevada.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER RECLAMATION AND REUSE STUDY.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the city of Albuquerque, New Mexico, is authorized to participate in the Albuquerque Metropolitan Area Water Reclamation and Reuse Study to reclaim and reuse industrial and municipal wastewater and reclaim and use naturally impaired ground water in the Albuquerque metropolitan area.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1622. EL PASO WATER RECLAMATION AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the El Paso Water Reclamation and Reuse Project to reclaim and reuse wastewater in the service area of the El Paso Water Utilities Public Service Board, El Paso, Texas.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1623. RECLAIMED WATER IN PASADENA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the City of Pasadena, California, reclaimed water project to obtain, store, and use reclaimed water in Pasadena and its service area, as well as neighboring communities.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1624. PHASE 1 OF THE ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of phase 1 of the Orange County Regional Water Reclamation Project, to reclaim and reuse water within the service area of the Orange County Water District in California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1625. CITY OF WEST JORDAN WATER REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of West Jordan, Utah, is authorized to participate in the design, planning, and construction of the City of West Jordan Water Reuse Project to recycle and reuse water in its service area from the South Valley Water Reclamation Facility Discharge Waters in Utah.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1626. HI-DESERT WATER DISTRICT IN YUCCA VALLEY, CALIFORNIA WASTEWATER COLLECTION AND REUSE FACILITY.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Hi-Desert Water District in Yucca Valley, California wastewater collection and reuse facility.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1627. MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMONSTRATION PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oceanside, is authorized to participate in the design, planning, and construction of a 3,000,000 gallon per day expansion of the Mission Basin Brackish Groundwater Desalting Demonstration Project in Oceanside, California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1628. TREATMENT OF EFFLUENT FROM THE SANITATION DISTRICTS OF LOS ANGELES COUNTY THROUGH THE CITY OF LONG BEACH.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Water Replenishment District of Southern California, the Orange County Water District in the State of California, and other appropriate authorities, is authorized to participate in the design, planning, and construction of water reclamation and reuse projects to treat approximately 10,000 acre-feet per year of effluent from the sanitation districts of Los Angeles County through the city of Long Beach.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1629. SAN JOAQUIN AREA WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the San Joaquin Area Water Recycling and Reuse Project, in cooperation with the City of Tracy, and consisting of participating projects which will reclaim and reuse water within the County of San Joaquin in California.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

''SEC. 1630. TOOELE WASTEWATER TREATMENT AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with Tooele City, Utah, is authorized to participate in the design, planning, and construction of the Tooele Wastewater Treatment and Reuse Project.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1631 of such Act, as redesignated by subsection (a)(1), is amended by striking out ''1614'' and inserting in lieu thereof ''1630''.

(2) Section 1632(c) of such Act, as redesignated by subsection (a)(1), is amended by striking out ''section 1617'' and inserting in lieu thereof ''section 1633''.

(3) Section 1633 of such Act, as redesignated by subsection (a)(1), is amended by striking out ''section 1616'' and inserting in lieu thereof ''section 1632''.

(c) CLERICAL AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended—

(1) by redesignating the items relating to sections 1615, 1616, and 1617 as items relating to sections 1631, 1632, and 1633, respectively, and

(2) by inserting after the item relating to section 1614 the following new items:

''Sec. 1615. North San Diego County Area Water Recycling Project.
''Sec. 1616. Calleguas Municipal Water District Recycling Project.
''Sec. 1617. Central Valley Water Recycling Project.
''Sec. 1618. St. George Area Water Recycling Project.
''Sec. 1619. Watsonville Area Water Recycling Project.
''Sec. 1620. Southern Nevada Water Recycling Project.
''Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse Study.
''Sec. 1622. El Paso Water Reclamation and Reuse Project.
''Sec. 1623. Reclaimed Water in Pasadena.
''Sec. 1624. Phase 1 of the Orange County Regional Water Reclamation Project.
''Sec. 1625. City of West Jordan Water Reuse Project.
''Sec. 1626. Hi-Desert Water District in Yucca Valley, California Wastewater Collection and Reuse Facility.
''Sec. 1627. Mission Basin Brackish Groundwater Desalting Demonstration Project.
''Sec. 1628. Treatment of effluent from the sanitation districts of Los Angeles County through the City of Long Beach.
''Sec. 1629. San Joaquin Area Water Recycling and Reuse Project.
''Sec. 1630. Tooele Wastewater Treatment and Reuse Project.''.

SEC. 3. APPRAISAL INVESTIGATIONS.

Section 1603(b) of (43 U.S.C. 390h–1(b)) is amended in the matter preceding paragraph (1) by inserting ''by the Secretary or the non-Federal project sponsor'' after ''undertaken''.

SEC. 4. FEASIBILITY STUDIES.

Section 1604(c) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–2(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''authorized'' and inserting ''conducted by the Secretary or the non-Federal project sponsor'';

(2) in paragraph (3)—

(A) by inserting ''at least two alternative'' after ''(3)'',

(B) by striking ''and'' after ''measures'' and inserting ''or'', and

(C) by inserting ''for the project under consideration'' after ''reuse'';

(3) in paragraph (4), by striking ''and,'' at the end;

(4) in paragraph (5), by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following:

''(C) reduce the demand on existing Federal water supply facilities,;''; and

(5) by adding at the end the following:

''(6) the market or dedicated use for reclaimed water in the project's service area; and

''(7) the financial capability of the non-Federal project sponsor to fund its proportionate share of the project's construction costs on an annual basis.''.

SEC. 5. DESALINATION RESEARCH AND DEVELOPMENT PROJECT.

Section 1605 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–3) is amended—

(1) by designating the existing text as subsection (a); and

(2) by adding at the end the following:

''(b)(1) The Secretary, in cooperation with the city of Long Beach, the Central Basin Municipal Water District, and the Metropolitan Water District of Southern California may participate in the design, planning, and construction of the Long Beach Desalination Research and Development Project in Los Angeles County, California.

''(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

''(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

''(c)(1) The Secretary, in cooperation with the Southern Nevada Water Authority, may participate in the design, planning, and construction of the Las Vegas Area Shallow Aquifer Desalination Research and Development Project in Clark County, Nevada.

''(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

''(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

''(d) A Federal contribution in excess of 25 percent for a project under this section may not be made until after the Secretary determines that the project is not feasible without such Federal contribution.''.

SEC. 6. SAN FRANCISCO AREA WATER RECLAMATION STUDY.

Section 1611(c) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–9(c)) is amended by striking ''four'' and inserting ''five''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 1631 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–13), as amended by section 2 of this Act, is amended by inserting ''(a)'' before ''There are authorized'' and by adding at the end the following:

''(b)(1) Funds may not be appropriated for the construction of any project authorized by this title until after—

''(A) an appraisal investigation and a feasibility study that complies with the provisions of sections 1603(b) or 1604(c), as the case may be, have been completed by the Secretary or the non-Federal project sponsor;

''(B) the Secretary has determined that the non-Federal project sponsor is financially capable of funding the non-Federal share of the project's costs; and

''(C) the Secretary has approved a cost-sharing agreement with the non-Federal project sponsor which commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

''(2) The requirements of paragraph (1) shall not apply to those projects authorized by this title for which funds were appropriated prior to January 1, 1996.

''(c) The Secretary shall notify the Committees on Resources and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate within 30 days after the signing of a cost-sharing agreement pursuant to subsection (b) that such an agreement has been signed and that the Secretary has determined that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

''(d)(1) Notwithstanding any other provision of this title and except as provided by paragraph (2), the Federal share of the costs of each of the individual projects authorized by this title shall not exceed $20,000,000 (October 1996 prices).

''(2) In the case of any project authorized by this title for which construction funds were appropriated before January 1, 1996, the Federal share of the cost of such project may not exceed the amount specified as the 'total Federal obligation' for that project in the budget justification made by the Bureau of Reclamation for fiscal year 1997, as contained in part 3 of the report of the hearing held on March 27, 1996, before the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 3660. This bill would amend the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning and construction of additional water recycling and reuse projects.

This water reuse program, administered by the Bureau of Reclamation, is an important tool for western communities. At a time when few dams and storage reservoirs are being constructed in the arid West, water reuse is an ideal means of increasing the water supply in certain areas. Several of the projects authorized in this bill would use reclaimed water for groundwater recharge, industrial applications, irrigation, or municipal landscaping. Using reclaimed water for these purposes stretches potable water supplies, and reduces the demand on overdrafted groundwater aquifers and surface water supplies.

This bill limits the Federal cost share for most of these reuse projects to 25 percent of the design and construction costs, and does not authorize any funds for operation and maintenance expenses. Title to all projects under this bill, as well as those authorized under the 1992 act, would be held by the non-Federal project sponsors.

In an effort to establish more stringent criteria for projects receiving initial Federal funding after January 1, 1996, the bill makes certain changes to the underlying 1992 act. Those changes include requirements that appraisal investigations and feasibility studies be conducted before funds can be appropriated for the project, and that a cost-sharing agreement between the Secretary and the non-Federal sponsor be signed. Finally, H.R. 3660 establishes a cap on the Federal share of the costs for an individual project, not to exceed $20 million for any project not already receiving Federal funding.

H.R. 3660 expands an important water reuse program that can help solve the growing water supply problems facing many western communities and I urge my colleagues to support the bill.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I rise in support of this legislation.

H.R. 3660 amends title 16 of the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize a number of new projects for wastewater reclamation and reuse, and two new desalting projects.

I generally support the provisions of this legislation. I note, however, that H.R. 3660 is the largest Western water project authorization bill reported by the Committee on Resources in the 104th Congress, with a potential Federal cost of more than $150 million. Several of the projects authorized in this bill have not been subject to hearings by the Resources Committee.

The bill sets some important new requirements for Federal participation in these wastewater reclamation projects:

Project sponsors must prepare appraisal studies and feasibility-level studies before seeking Federal appropriations; my understanding of this bill is that NEPA compliance is not waived.

Local sponsors must be able to demonstrate that they can meet cost-sharing requirements.

Meaningful cost-sharing agreements must be executed.

In this bill, the Federal share for wastewater reclamation and reuse projects is limited to 25 percent of the total project cost, and the Federal share of each wastewater reclamation project is capped at $20 million. The $20 million per project cap on Federal

funding and the strict requirements for receiving Federal assistance are appropriate and welcome additions to this bill.

The two desalination projects provide for Federal contributions up to 50 percent of the total project costs, and Federal contributions for these projects are also capped at $20 million.

Wastewater reclamation and reuse projects are a valuable tool for water management in the Western United States; these projects can be used as an alternative to more expensive and environmentally destructive traditional water projects. This legislation will undoubtedly encourage many communities in our heavily populated Western States to proceed with water recycling projects that will reduce the demand on scarce freshwater supplies. As we consider appropriations requests for these projects in years to come, Members will have to decide whether the relatively high costs of these projects make them worthwhile.

I urge my colleagues to support H.R. 3660.

Mr. DOOLITTLE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of H.R. 3660. This bill will provide an important piece of proenvironment legislation which will assist our local communities to build and design water reclamation and recycling projects.

My district in San Diego County is almost entirely dependent upon imported water for its industrial, residential, and agricultural water supply needs. The majority of the imported water that reaches my congressional district originates in northern California or the Colorado River and is transported through a series of aqueducts and pipelines that cross over the San Andreas earthquake fault. As such, water supply in northern San Diego County is a limited resource that is consistently at risk due to drought, demands elsewhere in the State, and natural disasters.

To minimize the potential risks to our water supply, water districts in my congressional district have embarked on a number of water conservation and reuse initiatives designed to reduce demand and provide alternative supplies for nonpotable applications. One of these initiatives is the north San Diego County Area Water Recycling Project. This project is a cooperative effort between the Leucadia County Water District, the San Elijo Joint Powers Authority, the Olivenhain Municipal Water District, and the city of Carlsbad, CA. When completed, the combined production of the two treatment plants will be up to 25 million gallons per day of recycled water. This water can be used for landscaping, golf courses, schools, nurseries, agricultural irrigation and industrial applications.

Reclaimed water is an increasingly important element in California's water supply. Regional reclamation projects like this are expected to meet a large portion of California's future water supply needs. Implementation of these projects will reduce the San Diego region's reliance on imported water and produce both economic and environmental benefits for all Californians.

I would like to thank the committee and the chairman for bringing this bill forward and ask that my colleagues support H.R. 3660.

Mr. KIM. Mr. Speaker, I rise in support of H.R. 3360 because it authorizes phase 1 of the Orange County Water Reclamation Project near my congressional district.

I particularly want to thank chairman DOOLITTLE, chairman HANSEN, and chairman YOUNG for their support and willingness to include my project in their legislation.

Last Congress, I introduced a free-standing bill, H.R. 4987, with Congressmen COX, DORNAN, PACKARD, and ROYCE to authorize the entire Orange County Water Reclamation Project.

This project is vital to the long-term water supply of Orange County and the environmental health of the Santa Ana River. As you know, the long-term water supply outlook for my constituents in Orange County is bleak. Over the next several years, southern California will lose Colorado River Water to Arizona, and it's doubtful that significant new supplies will come from the north.

In short, we have very few water options in southern California. It is critical that we make the most of our existing supplies and recycle water wherever possible.

Phase 1 of this project will capture 50,000 acre feet of secondary effluent water per year [AFY] from the county sanitation district, clean it, and then pump the recycled water to parks, industrial water users and the Santa Ana River water recharge basins.

Rather than dump the effluent water into the Santa Ana and the Pacific Ocean, we can clean it, use it for parks and industrial purposes, and recharge our ground water basins.

When phase 2 and 3 of the project are completed, Orange County will recycle 100,000 acre feet of water per year. That's enough water for 400,000 constituents.

This is a win-win project for the environment and water users.

Again, let me thank the chairman and the Orange County delegation for their support of my project.

The committee has put together a fine bill, and I urge all of my colleagues to vote for its passage.

Mr. HANSEN. Mr. Speaker, in 1992, Congress passed into law the Reclamation Projects Authorization and Adjustment Act, which authorized the Bureau of Reclamation to contribute up to 25 percent of the cost of designing and constructing water recycling and reuse projects.

This program provides a sensible and lasting solution to the growing problem of dwindling municipal, industrial, and agricultural water supplies in many areas of the country. It will also help preserve and protect environmentally sensitive watersheds by reducing demands for freshwater supplies and by cutting back on wastewater discharges into sensitive bays and estuaries.

H.R. 3660 amends title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, to include additional worthy water reuse and recycling projects not named in the original bill.

Economically and environmentally, the next step to guaranteeing more dependable and cheaper supplies of water is water reuse and recycling. Recycling programs treat wastewater that can be safely used to irrigate crops, land, golf courses, freeway medians, and replenish groundwater basins as well as supply water to industry.

Because of the success of title XVI, communities from around the country are looking to water recycling as an effective way to serve their customers in an environmentally friendly manner. This program is a unique win-win program which goes a long way toward preparing for the future, preserving fresh water reserves, easing the burden of Federal mandates and protecting our environment.

Mr. Speaker, I urge Members to support this amendment, and I would like to thank you and subcommittee chairman Mr. DOOLITTLE for your assistance with this measure.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 3660, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply system, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes, as amended.

The Clerk read as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Peck Rural County Water Supply System Act of 1996''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term ''construction'' means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term ''District'' means the Fort Peck Rural County Water District, Inc., a nonprofit corporation in Montana.

(3) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District'', dated September 1994.

(4) PLANNING.—The term ''planning'' means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system. Title to this project shall remain in the name of the District.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such means as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 75 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,800,000. This authorization shall terminate after a period of 5 complete fiscal years after the date of enactment of this Act unless the Congress has appropriated funds for the construction purposes of this Act. This authorization shall be extended 1 additional year if the Secretary has requested such appropriation. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act. All costs which exceed the amounts authorized by this Act, including costs associated with the ongoing energy needs, operation, and maintenance of this project shall remain the responsibility of the District.

SEC. 5. CACHUMA PROJECT, BRADBURY DAM, CALIFORNIA.

The prohibition against obligating funds for construction until 60 days from the date that the Secretary of the Interior transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Cachuma Project, Bradbury Dam, California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1467. This bill would authorize appropriations of $5.8 million for construction of a rural water supply distribution facility for areas around Fort Peck Lake in north-central Montana. The project includes upgrading an existing water treatment plant and installing water distribution pipelines. Currently, 95 percent of the residents of Valley County must haul their drinking water. In addition, this area receives more than 280,000 visits each year from recreational users at Fort Peck Reservoir, and a reliable supply of good quality drinking water is needed to serve these people.

In September 1994, the Bureau of Reclamation and HKM Associates completed a final engineering report for the Fort Peck County Rural County Water District. The report examined 15 alternatives and recommended 1 that would construct a new intake in the reservoir and water treatment facility near Duck Creek. The reservoir is considered to be the best source of water for a municipal system because the water is of good quality and requires only conventional treatment.

The Federal cost-share on the project would be 75 percent. All costs for operation and maintenance, as well as ongoing energy needs, would be the responsibility of the District, and title to the facilities will remain with the District. The bill contains a provision that terminates project authorization 5 complete fiscal years after enactment if the project has not received construction appropriations by then, except that the authorization shall be extended by 1 additional fiscal year if the Secretary of the Interior has requested an appropriation for construction.

The last section of the bill will allow safety-of-dams work to proceed expeditiously at the Cachuma Project, Bradbury Dam, California.

This bill was noncontroversial during the Resources Committee markup. It is our understanding that the State of Montana and the entire Montana delegation strongly support the project and this legislation. I urge my colleagues to support passage of this legislation.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. I rise in support of this bill, Mr. Speaker, and want to acknowledge the gentleman from Montana, Mr. PAT WILLIAMS, for the work he did on this legislation.

Mr. Speaker, I rise in support of S. 1467, which would authorize appropriations for the construction of a rural water supply distribution facility for areas around Fort Peck Lake in north-central Montana. Most residents of the area now must have their drinking water delivered by tank truck.

The bill as amended would strictly limit Federal expenditures for upgrading the water supply system, and I urge my colleagues to support S. 1467.

S. 1467 as amended also waives the statutory 60-day congressional waiting period for approval of a Bureau of Reclamation dam safety report for the Cachuma Project in California. I have no objections to this provision of the bill.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the Senate bill, S. 1467, as amended.

The question was taken; (and two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

KENAI NATIVES ASSOCIATION EQUITY ACT AMENDMENTS OF 1996

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 401) entitled the ''Kenai Natives Association Equity Act,'' as amended.

The Clerk read as follows:

H.R. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kenai Natives Association Equity Act Amendments of 1996''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States Fish and Wildlife Service and Kenai Natives Association, Inc., have agreed to transfers of certain land rights, in and near the Kenai National Wildlife Refuge, negotiated as directed by Public Law 102–458.

(2) The lands to be acquired by the Service are within the area impacted by the Exxon Valdez oil spill of 1989, and these lands included important habitat for various species of fish and wildlife for which significant injury resulting from the spill has been documented through the EVOS Trustee Council restoration process. This analysis has indicated that these lands generally have value for the restoration of such injured natural resources as pink salmon, dolly varden, bald eagles, river otters, and cultural and archaeological resources. This analysis has also indicated that these lands generally have high value for the restoration of injured species that rely on these natural resources, including wilderness quality, recreation, tourism, and subsistence.

(3) Restoration of the injured species will benefit from acquisition and the prevention of disturbances which may adversely affect their recovery.

(4) It is in the public interest to complete the conveyances provided for in this Act.

(b) PURPOSE.—The purpose of this Act is to authorize and direct the Secretary, at the election of KNA, to complete the conveyances provided for in this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) ''ANCSA'' means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) ''ANILCA'' means the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2371 et seq.);

(3) ''conservation system unit'' has the same meaning as in section 102(4) of ANILCA (16 U.S.C. 3102(4));

(4) ''CIRI'' means the Cook Inlet Region, Inc., a Native Regional Corporation incorporated in the State of Alaska pursuant to the terms of ANCSA;

(5) ''EVOS'' means the Exxon Valdez oil spill;

(6) ''KNA'' means the Kenai Natives Association, Inc., an urban corporation incorporated in the State of Alaska pursuant to the terms of ANCSA;

(7) ''lands'' means any lands, waters, or interests therein;

(8) ''Refuge'' means the Kenai National Wildlife Refuge;

(9) ''Secretary'' means the Secretary of the Interior;

(10) ''Service'' means the United States Fish and Wildlife Service; and

(11) ''Terms and Conditions'' means the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified on August 31, 1976, ratified by section 12 of Public Law 94–204 (43 U.S.C. 1611 note).

SEC. 4. ACQUISITION OF LANDS.

(a) OFFER TO KNA.—

(1) IN GENERAL.—Subject to the availability of the funds identified in subsection (b)(3), no later than 90 days after the date of enactment of this Act, the Secretary shall offer to convey to KNA the interests in land and rights set forth in subsection (b)(2), subject to valid existing rights, in return for the conveyance by KNA to the United States of the interests in land or relinquishment of ANCSA selections set forth in subsection (b)(1). Payment for the lands conveyed to the United States by KNA is contingent upon KNA's acceptance of the entire conveyance outlined herein.

(2) LIMITATION.—The Secretary may not convey any lands or make payment to KNA under this section unless title to the lands to be conveyed by KNA under this Act has been found by the United States to be sufficient in accordance with the provisions of section 355 of the Revised Statutes (40 U.S.C. 255).

(b) ACQUISITION LANDS.—

(1) LANDS TO BE CONVEYED TO THE UNITED STATES.—The lands to be conveyed by KNA to the United States, or the valid selection rights under ANCSA to be relinquished, all situated within the boundary of the Refuge, are the following:

(A) The conveyance of approximately 803 acres located along and on islands within the Kenai River, known as the Stephanka Tract.

(B) The conveyance of approximately 1,243 acres located along the Moose River, known as the Moose River Patented Lands Tract.

(C) The relinquishment of KNA's selection known as the Moose River Selected Tract, containing approximately 753 acres located along the Moose River.

(D) The relinquishment of KNA's remaining ANCSA entitlement of approximately 454 acres.

(E) The relinquishment of all KNA's remaining overselections. Upon completion of all relinquishments outlined above, all KNA's entitlement shall be deemed to be extinguished and the completion of this acquisition will satisfy all of KNA's ANCSA entitlement.

(F) The conveyance of an access easement providing the United States and its assigns access across KNA's surface estate in the SW¼ of section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska.

(G) The conveyance of approximately 100 acres within the Beaver Creek Patented Tract, which is contiguous to lands being retained by the United States contiguous to the Beaver Creek Patented Tract, in exchange for 280 acres of Service lands currently situated within the Beaver Creek Selected Tract.

(2) LANDS TO BE CONVEYED TO KNA.—The rights provided or lands to be conveyed by the United States to KNA, are the following:

(A) The surface and subsurface estate to approximately 5 acres, subject to reservations of easements for existing roads and utilities, located within the city of Kenai, Alaska, identified as United States Survey 1435, withdrawn by Executive Order 2934, and known as the old Fish and Wildlife Service Headquarters site.

(B) The remaining subsurface estate held by the United States to approximately 13,811 acres, including portions of the Beaver Creek Patented Tract, the Beaver Creek Selected Tract, and portions of the Swanson River Road West Tract and the Swanson River Road East Tract, where the surface was previously or will be conveyed to KNA pursuant to this Act. The conveyance of these subsurface interests will be subject to the rights of CIRI to the coal, oil, and gas, and to all rights CIRI, its successors, and assigns would have under paragraph 1(B) of the Terms and Conditions, including the right to sand and gravel, to construct facilities, to have rights-of-way, and to otherwise develop its subsurface interests.

(C)(i) The nonexclusive right to use sand and gravel which is reasonably necessary for on-site development without compensation or permit on those portions of the Swanson River Road East Tract, comprising approximately 1,738.04 acres; where the entire subsurface of the land is presently owned by the United States. The United States shall retain the ownership of all other sand and gravel located within the subsurface and KNA shall not sell or dispose of such sand and gravel.

(ii) The right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate.

(D) The nonexclusive right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate on the SW¼, section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska, where the entire subsurface of the land is owned by the United States and which public lands shall continue to be withdrawn from mining following their removal from the Refuge boundary under subsection (c)(1)(B). The United States shall retain the ownership of all other sand and gravel located within the subsurface of this parcel.

(E) The surface estate of approximately 280 acres known as the Beaver Creek Selected Tract. This tract shall be conveyed to KNA in exchange for lands conveyed to the United States as described in subsection (b)(1)(B).

(3) PAYMENT.—The United States shall make a total cash payment to KNA for the above-described lands of $4,443,000, contingent upon the appropriate approvals of the Federal or State of Alaska EVOS Trustees (or both) necessary for any expenditure of the EVOS settlement funds.

(4) NATIONAL REGISTER OF HISTORIC PLACES.—Upon completion of the acquisition authorized in subsection (a), the Secretary shall, at no cost to KNA, in coordination with KNA, promptly undertake to nominate the Stephanka Tract to the National Register of Historic Places, in recognition of the archaeological artifacts from the original Dena'ina Settlement. If the Department of the Interior establishes a historical, cultural, or archaeological interpretive site, KNA shall have the exclusive right to operate a Dena'ina interpretive site on the Stephanka Tract under the regulations and policies of the department. If KNA declines to operate such a site, the department may do so under its existing authorities. Prior to the department undertaking any archaeological activities whatsoever on the Stephanka Tract, KNA shall be consulted.

(c) GENERAL PROVISIONS.—

(1) REMOVAL OF KNA LANDS FROM THE NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) Effective on the date of closing for the Acquisition Lands identified in subsection (b)(2), all lands retained by or conveyed to KNA pursuant to this Act, and the subsurface interests of CIRI underlying such lands shall be automatically removed from the National Wildlife Refuge System and shall neither be considered as part of the Refuge nor subject to any laws pertaining solely to lands within the boundaries of the Refuge. The conveyance restrictions imposed by section 22(g) of ANCSA (i) shall then be ineffective and cease to apply to such interests of KNA and CIRI, and (ii) shall not be applicable to the interests received by KNA in accordance with subsection (b)(2) or to the CIRI interests underlying them. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands retained or received in exchange by KNA in accordance with this Act, including both surface and subsurface, and shall also exclude all interests currently held by CIRI. On lands within the Swanson River Road East Tract, the boundary adjustment shall only include the surface estate where the subsurface estate is retained by the United States.

(B)(i) The Secretary, KNA, and CIRI shall execute an agreement within 45 days of the date of enactment of this Act which preserves CIRI's rights under paragraph 1(B)(1) of the Terms and Conditions, addresses CIRI's obligations under such paragraph, and adequately addresses management issues associated with the boundary adjustment set forth in this Act and with the differing interests in land resulting from enactment of this Act.

(ii) In the event that no agreement is executed as provided for in clause (i), solely for the purposes of administering CIRI's rights under paragraph 1(B)(1) of the Terms and Conditions, the Secretary and CIRI shall be deemed to have retained their respective rights and obligations with respect to CIRI's subsurface interests under the requirements of the Terms and Conditions in effect on June 18, 1996. Notwithstanding the boundary adjustments made pursuant to this Act, conveyances to KNA shall be deemed to remain subject to the Secretary's and CIRI's rights and obligations under paragraph 1(B)(1) of the Terms and Conditions.

(C) The Secretary is authorized to acquire by purchase or exchange, on a willing seller basis only, any lands retained by or conveyed to KNA. In the event that any lands owned by KNA are subsequently acquired by the United States, they shall be automatically included in the Refuge System. The laws and regulations applicable to Refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(D) Nothing in this Act is intended to enlarge or diminish the authorities, rights, duties, obligations, or the property rights held by CIRI under the Terms and Conditions, or otherwise except as set forth in this Act. In the event of the purchase by the United States of any lands from KNA in accordance with paragraph (1)(B), the United States shall reassume from KNA the rights it previously held under the Terms and Conditions and the provisions in any patent implementing section 22(g) of ANCSA will again apply.

(E) By virtue of implementation of this Act, CIRI is deemed entitled to 1,207 acres of in-lieu subsurface entitlement under section 12(a)(1) of ANCSA. Such entitlement shall be fulfilled in accordance with paragraph 1(B)(2)(A) of the Terms and Conditions.

(2) MAPS AND LEGAL DESCRIPTIONS.—Maps and a legal description of the lands described above shall be on file and available for public

inspection in the appropriate offices of the United States Department of the Interior, and the Secretary shall, no later than 90 days after enactment of this Act, prepare a legal description of the lands described in subsection (b)(1)(G). Such maps and legal description shall have the same force and effect as if included in the Act, except that the Secretary may correct clerical and typographical errors.

(3) ACCEPTANCE.—KNA may accept the offer made in this Act by notifying the Secretary in writing of its decision within 180 days of receipt of the offer. In the event the offer is rejected, the Secretary shall notify the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(4) FINAL MAPS.—Not later than 120 days after the conclusion of the acquisition authorized by subsection (a), the Secretary shall transmit a final report and maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreage and legal descriptions of such lands to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

SEC. 5. ADJUSTMENTS TO NATIONAL WILDERNESS SYSTEM.

Upon acquisition of lands by the United States pursuant to section 4(b)(1), that portion of the Stephanka Tract lying south and west of the Kenai River, consisting of approximately 592 acres, shall be included in and managed as part of the Kenai Wilderness and such lands shall be managed in accordance with the applicable provisions of the Wilderness Act and ANILCA.

SEC. 6. DESIGNATION OF LAKE TODATONTEN SPECIAL MANAGEMENT AREA.

(a) PURPOSE.—To balance the potential effects on fish, wildlife, and habitat of the removal of KNA lands from the Refuge System, the Secretary is hereby directed to withdraw, subject to valid existing rights, from location, entry, and patent under the mining laws and to create as a special management unit for the protection of fish, wildlife, and habitat, certain unappropriated and unreserved public lands, totaling approximately 37,000 acres adjacent to the west boundary of the Kanuti National Wildlife Refuge to be known as the ''Lake Todatonten Special Management Area'', as depicted on the map entitled Proposed: Lake Todatonten Special Management Area, dated June 13, 1996, and to be managed by the Bureau of Land Management.

(b) MANAGEMENT.—

(1) Such designation is subject to all valid existing rights as well as the subsistence preferences provided under title VIII of ANILCA. Any lands conveyed to the State of Alaska shall be removed from the Lake Todatonten Special Management Area.

(2) The Secretary may permit any additional uses of the area, or grant easements, only to the extent that such use, including leasing under the mineral leasing laws, is determined to not detract from nor materially interfere with the purposes for which the Special Management Area is established.

(3)(A) The BLM shall establish the Lake Todatonten Special Management Area Committee. The membership of the Committee shall consist of 11 members as follows:

(i) Two residents each from the villages of ALatna, Allakaket, Hughes, and Tanana.

(ii) One representative from each of Doyon Corporation, the Tanana Chiefs Conference, and the State of Alaska.

(B) Members of the Committee shall serve without pay.

(C) The BLM shall hold meetings of the Lake Todatonten Special Management Area Committee at least once per year to discuss management issues within Special Management Area. The BLM shall not allow any new type of activity in the Special Management Area without first conferring with the Committee in a timely manner.

(c) ACCESS.—The Secretary shall allow the following:

(1) Private access for any purpose, including economic development, to lands within the boundaries of the Special Management Area which are owned by third parties or are held in trust by the Secretary for third parties pursuant to the Alaska Native Allotment Act (25 U.S.C. 336). Such rights may be subject to restrictions issued by the BLM to protect subsistence uses of the Special Management Area.

(2) Existing public access across the Special Management Area. Section 1110(a) of ANILCA shall apply to the Special Management Area.

(d) SECRETARIAL ORDER AND MAPS.—The Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, the Secretarial Order and maps setting forth the boundaries of the Area within 90 days of the completion of the acquisition authorized by this Act. Once established, this Order may only be amended or revoked by Act of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 401 was reported by the Resources Committee by a voice vote on June 19. The bill enjoys broad bipartisan support, including the support of the Department of the Interior.

H.R. 401 does several things, a few of which I will briefly mention.

First, the bill solves a longstanding dispute between the U.S. Fish and Wildlife Service and the Kenai Natives Association [KNA] over lands owned by KNA that are located within the Kenai Wildlife Refuge. KNA has been precluded from developing approximately 15,500 acres that were conveyed to them pursuant to passage of the Alaska Native Claims Settlement Act in 1971. Under H.R. 401, those 15,500 acres of KNA-owned land will be removed from the Refuge and all associated development restrictions will be lifted.

Second, H.R. 401 will allow the Fish and Wildlife Service to acquire three highly desirable parcels of land owned by KNA and KNA's remaining land entitlement at appraised value. A total of 2,253 acres of KNA lands will be acquired with Exxon *Valdez* oil spill settlement funds for approximately $4.5 million.

Finally, KNA will receive title to the old Kenai National Wildlife Refuge headquarters site in downtown Kenai, Alaska, which consists of a building and a 5-acre parcel—KNA would like to use this site for economic development purposes.

The Fish and Wildlife Service has proposed in order to maintain natural resource protection and values, that Congress designate approximately 37,000 acres as a BLM Special Management Area in exchange for removing 15,500 acres from the Refuge. This proposal has been incorporated into H.R. 401. The Special Management Area would be created adjacent to an existing refuge in north-central Alaska. Management of the area will be subject to existing subsistence preferences and valid existing rights. Furthermore, public access will be protected and residents of surrounding villages will be given the ability to participate in decisions relative to management of the area.

The Kenai Natives have waited long enough to resolve these land use issues. Hopefully the Senate will move similar legislation prior to the end of this legislative session. I urge Members support for this noncontroversial legislation.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. I thank the gentleman from Alaska, the chairman of the Committee on Resources, for his sponsorship of this bill and his long-standing interest in the concerns of the Kenai Native Association.

This bill would ratify an agreement negotiated between KNA and the Department of the Interior. The bill provides the Native corporation with clear title to lands received under the Alaska Native Claims Settlement Act which are within the boundaries of the Kenai National Wildlife Refuge and subject to development restrictions. To equalize values in the exchange, KNA also would receive $4.4 million from the Exxon *Valdez* oil spill trust fund. Accordingly, this bill has no negative impact on the Federal budget.

In return, the Kenai National Wildlife Refuge would benefit by the acquisition of over 3,000 acres of prime fish and wildlife habitat along the Kenai River, one of the most important fishing and recreational watersheds in Alaska. About 592 acres of these acquired lands would be designated part of the refuge wilderness. The habitat values of the lands have been evaluated and their acquisition approved by the State-Federal trustee council which administers the Exxon *Valdez* trust fund. I have long supported prudent use of the Exxon *Valdez* monies for habitat protection in the region affected by the oil spill and I commend both Interior Secretary Babbitt and Alaska Governor Tony Knowles for their leadership within the council.

In addition, to help compensate for the removal of KNA lands from the refuge boundaries, a 37,000 acre special fish and wildlife management area would be designated adjacent to the Kanuti National Wildlife Refuge in

nothern Alaska and administered by the BLM.

Mr. Speaker, this legislation provides significant opportunities for a Native corporation that has struggled for well over a decade to find an accommodation between the economic interests of its shareholders and the land management interests of the Fish and Wildlife Service. While other administrations have been indifferent to KNA's plight, the Interior Department has attempted in this bill to strike a reasonable balance between the interests of Native Alaskans and fish and wildlife protection. I urge the other body to avoid the temptation to rewrite the environmental designations or otherwise generate controversy and opposition. It is clearly in the best interests of KNA to have this legislation enacted into law this Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 401, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DESIGNATING ADMINISTRATION OF LAKE TAHOE BASIN NATIONAL FOREST TO SECRETARY OF AGRICULTURE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2122) to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

There is hereby designated in the States of California and Nevada the Lake Tahoe Basin National Forest to be administered by the Secretary of Agriculture as a unit of the National Forest System subject to the laws, rules, and regulations applicable to the National Forest System.

SEC. 2. BOUNDARIES.

(a) The Lake Tahoe Basin National Forest shall comprise those lands designated as the Lake Tahoe Basin Management Unit in the Federal Register notice dated January 13, 1978 (43 F.R. 1971) and any lands subsequently added to the Unit.

(b) For the purposes of section 7 of the Land and Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the exterior boundary of the Lake Tahoe Basin National Forest established by this Act shall be treated as if it were the boundary as of January 1, 1965.

(c) The boundaries of the Tahoe, Eldorado, Toiyabe National Forests are hereby modified to exclude those lands with the boundaries of the Lake Tahoe Basin National Forest.

(d) The Secretary of Agriculture is authorized to make corrections or adjustments in the boundaries of the Tahoe, Eldorado, Toiyabe, and Lake Tahoe Basin National Forests for administrative purposes.

SEC. 3. LAND MANAGEMENT PLANNING.

(a) The Land and Resource Management Plan for the Lake Tahoe Basin Management Unit dated December 2, 1988, shall constitute the land management plan required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604).

(b) Nothing in this Act shall require the Forest Service to amend or revise—

(1) the land and resource management plan dated December 2, 1988, or its associated environmental impact statement, or to prepare a new plan or associated environmental impact statement; or

(2) any draft or final land and resource management plan or associated environmental impact statement for the Tahoe, Eldorado or Toiyabe National Forests.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) Any reference to the Lake Tahoe Basin Management Unit in any existing statute, regulation, manual, handbook, or otherwise shall be deemed a reference to the Lake Tahoe Basin National Forest.

(b) Nothing in this Act shall affect—

(1) any provisions of Public Law 96–551 (94 Stat. 3233), giving Congressional consent to the Tahoe Planning Compact;

(2) any provisions of Public Law 96–586 (94 Stat. 3381), an Act to provide disposal of certain Federal lands in the Lake Tahoe Basin, commonly called the Burton-Santini Act; or

(3) valid existing rights of persons holding any authorization, permit, option or other form of contract existing on the date of enactment of this Act.

(c) Notwithstanding the distribution requirements of payments under the Act of May 23, 1908 (Ch. 192, 35 Stat. 251, as amended), distribution of receipts from the Eldorado, Tahoe, Toiyabe, and Lake Tahoe Basin National Forests shall be based upon the National Forest boundaries that existed prior to enactment of this Act, as though the Lake Tahoe Basin National Forest does not exist.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2122, sponsored by Mrs. VUCANOVICH of Nevada, which would change the designation of the Lake Tahoe Basin Management Unit to the Lake Tahoe Basin National Forest.

The Lake Tahoe Basin Management Unit is made up of portions of three national forests, including the Tahoe and Eldorado National Forests in California and the Toiyabe National Forest in Nevada. Since 1973, the Forest Service has administered these lands—approximately 152,000 acres—as a single management unit. A land management plan for the unit was adopted by the agency in 1988.

H.R. 2122 would not change the way the lands are managed. The bill was amended by the Subcommittee on National Parks, Forests and Lands to ensure that the designation encompasses all lands included in the management unit since it was established in 1973, as requested by the administration and agreed to by Mrs. VUCANOVICH. The administration supports the bill in its current form, and the Forest Service supported similar legislation in the 102d Congress.

I urge the Members of the House to approve this commonsense measure that will clarify the designation of the national forests in the Lake Tahoe Basin.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation, and the administration supports it.

H.R. 2122 designates a new national forest, the Lake Tahoe Basin National Forest, from lands within the Tahoe, Eldorado, and Toiyobe National Forests. Currently the lands, which total about 152,000 acres, are designated as the Lake Tahoe Basin Management Unit and administered as a separate unit within the three existing national forests in the area.

The administration supports the bill and we have no objection to its consideration. H.R. 2122 is a name change only, it will not alter how these lands are managed.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2122, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEVADA BOUNDARY CORRECTION

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2135) to provide for the correction of boundaries of certain lands in Clark County, NV, acquired by persons who purchased such lands in good faith reliance on existing private land surveys, as amended.

The Clerk read as follows:

H.R. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds and declares that:

(1) Certain landowners in the (North) Decatur Boulevard area of Las Vegas and North

Las Vegas, Clark County, Nevada, who own property adjacent to lands managed by the Bureau of Land Management have been adversely affected by certain erroneous private surveys.

(2) These landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate.

(3) These landowners presumed their occupancy was codified through an Eighth Judicial District Court (Nevada) Judgment and Decree filed October 26, 1989, as a ''friendly lawsuit'' affecting numerous landowners in the (North) Decatur Boulevard area.

(4) The 1990 Bureau of Land Management dependent resurvey and section subdivision of sections 6, 7, 18, and 19, T. 19 S., R. 61 E., Mount Diablo Meridian, Nevada, correctly established accurate boundaries between such public lands and private lands.

(5) The Bureau of Land Management has the authority to sell public lands which are affected as a result of erroneous private survey and encroachments existing as of the date of this Act as it affects T. 19 S., R. 61 E., sections 18 and 19, and T. 19 S. R. 60 E., section 13 and 24, if encroachments based on the same erroneous private survey are identified, in accordance with this Act.

SEC. 2. CONVEYANCE OF LANDS.

(a) CLAIMS.—Within one year after the date of the enactment of this Act, the city of Las Vegas on behalf of the owners of real property, located adjacent to the lands described in subsection (b), may submit to the Secretary of the Interior (hereafter in this Act referred to as the ''Secretary'') in writing a claim to the lands described in subsection (b). The claim submitted to the Secretary shall be accompanied by—

(1) a description of the lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) LANDS DESCRIBED.—The lands described in this subsection are those Federal lands located in the Bureau of Land Management Las Vegas District, Clark County, Nevada, in sections 18 and 19, T. 19 S., R. 61 E., Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management accepted May 4, 1990, under Group No. 683, Nevada, and subsequent supplemental plats of sections 18 and 19, T. 19 S., R. 61 E., Mount Diablo Meridian, as contained on plats accepted November 17, 1992. Such lands are described as (1) government lots 22, 23, 26, and 27 in said section 18; and (2) government lots 20, 21, and 24 in said section 19, containing 29.36 acres, more or less.

(c) CONVEYANCE.—The Secretary shall convey all right, title, and interest of the United States in and to the public lands described in subsection (b) to the city of Las Vegas, Clark County, Nevada, upon payment by the city of fair market value based on a Bureau of Land Management approved appraised market value of the lands as of December 1, 1982, and on the condition that the city convey the effected lands to the land owners referred to in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, within the city of Las Vegas there are many areas where longstanding property line disputes exist. H.R. 2135 is meant to solve one of the most difficult, which is along the Decatur Boulevard alignment at the border between the cities of Las Vegas and North Las Vegas.

The original land surveys of the subject area were performed in 1881 and 1882. There is considerable evidence that points set by the original Government contract surveys were not stones as called for in the official field notes, but small mesquite stakes.

Originally, the poor surveys did not affect anyone, but in the 1950's development began to move toward the outer edges of Las Vegas. As years passed and development increased it became evident that severe discrepancies existed among the property surveys in the area. In 1989, in response to citizens' concerns, the city of Las Vegas commissioned a survey of the properties in an area 4 miles north to south and 1 mile each side of Decatur Boulevard.

H.R. 2135 will resolve the longstanding property line disputes that have prevented the affected landowners from being able to sell or even refinance their homes and enjoys the support of the BLM, the city of Las Vegas, and the affected landowners.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation to correct these erroneous private surveys and to straighten out the actual property ownership problems and to provide for the conveyance of these lands for fair market value to the adjacent owners or to others.

Mr. Speaker, H.R. 2135 deals with about 30 acres of land in Las Vegas that because of erroneous private surveys, has created problems for the adjacent private landowners who thought the land was theirs and who found that after accurate surveys were done that the land actually belongs to the Federal Government.

We have no objection to consideration of the measure. The bill has been amended by the Resources Committee to provide for the sales of these parcels to the adjacent private landowners, based on the fair market value of the property at the time these survey errors were brought to the attention of the Bureau of Land Management. With that change the administration has no problems with the bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I am very pleased to see the House take up H.R. 2135, legislation I have introduced to make boundary corrections along Decatur Boulevard in Las Vegas and North Las Vegas.

Landowners along Decatur approached me last year with the problem that H.R. 2135 addresses. It seems that the original survey conducted in the area in the late 1800's was deficient. Subsequent surveys based on that first one, and upon which people bought land along Decatur, were in error due to that initial botched survey. Since there are no liens on any of the property, the usual title searches performed at the time of purchase did not show problems with the titles. However, subsequent to the purchases of the properties, it was discovered that the property lines are drawn incorrectly.

The cities of Las Vegas and North Las Vegas have spent a lot of time and money trying to correct the erroneous boundaries and make the homeowners whole. And they have been largely successful, in that the bulk of people affected by the boundary error have had their property boundaries adjusted. Unfortunately, however, for about 20 homeowners, the land in question involves Federal land managed by the BLM. Since Las Vegas and North Las Vegas have no jurisdiction over the BLM land, these boundary errors can only be corrected by Congress.

Mr. Speaker, this situation has created a nightmare for those who, in good faith, bought property along Decatur Boulevard. They don't own the land they thought they paid for; in some cases, almost one-third of the land actually belongs to the Bureau of Land Management. Today's consideration of H.R. 2135 caps the efforts of many years by the cities of Las Vegas and North Las Vegas to put to rest the issue by resolving the boundary dispute along Decatur Boulevard, and I urge my colleagues to support the measure.

Mr. DOOLITTLE. Mr. Speaker, I urge the passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2135, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to provide for the relief of certain persons in Clark County, Nevada, who purchased lands in good faith reliance on existing private land surveys.''

A motion to reconsider was laid on the table.

HANFORD REACH PRESERVATION ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2292) to preserve and protect the Hanford Reach of the Columbia River, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HANFORD REACH PRESERVATION ACT

SEC. 101. AMENDMENT OF PUBLIC LAW 100–605.

Section 2 of Public Law 100–605 is amended as follows:

*(1) By striking ''**INTERIM**'' in the section heading.*

(2) By striking ''For a period of eight years after'' and inserting ''After'' in subsection (a).

(3) By striking in subsection (b) ''During the eight year interim protection period, provided by this section, all'' and inserting ''All''.

TITLE II—LAMPREY WILD AND SCENIC RIVER ACT

SEC. 201. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

''(157) LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the 'segment') as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperative agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.''.

SEC. 202. MANAGEMENT.

(a) COMMITTEE.—The Secretary of the Interior shall coordinate his management responsibilities under this Act with respect to the segment designated by section 3 with the Lamprey River Advisory Committee established pursuant to New Hampshire RSA 483.

(b) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by section 201 of this Act. The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

SEC. 203. UPSTREAM SEGMENT.

Upon request by the town of Epping, which abuts an additional 12 miles of river found eligible for designation as a recreational river, the Secretary of the Interior shall offer assistance regarding continued involvement of the town of Epping in the implementation of the Lamprey River Management Plan and in consideration of potential future addition of that portion of the river within Epping as a component of the Wild and Scenic Rivers System.

TITLE III—WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996

SEC. 301. AMENDMENTS PERTAINING TO THE NEW RIVER GORGE NATIONAL RIVER.

(a) BOUNDARIES.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out ''NERI–80,023, dated January 1987'' and inserting ''NERI–80,028A, dated March 1996''.

(b) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended by adding the following at the end thereof: ''The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.''.

(c) CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 and following) is amended by adding the following new section at the end thereof:

''SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

''(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

''(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.''.

SEC. 302. AMENDMENTS PERTAINING TO THE GAULEY RIVER NATIONAL RECREATION AREA.

(a) TECHNICAL AMENDMENT.—Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–4(c)) is amended by adding the following at the end thereof: ''If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.''.

(b) GAULEY ACCESS.—Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)) is amended by adding the following new paragraph at the end thereof:

''(4) ACCESS TO RIVER.—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

''(B) If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.

''(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.''.

SEC. 303. AMENDMENTS PERTAINING TO THE BLUESTONE NATIONAL SCENIC RIVER.

(a) BOUNDARIES.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking out ''WSR–BLU/20,000, and dated January 1987'' and inserting ''BLUE–80,005, dated May 1996''.

(b) PUBLIC ACCESS.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by adding the following at the end thereof: ''In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire not more than 10 acres of lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.''.

TITLE IV—LIMITATION ON LAND ACQUISITION: MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA

The undesignated paragraph in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) relating to the 39-mile segment of the Missouri River, Nebraska and South Dakota, from the headwaters of Lewis and Clark Lake to Ft. Randall Dam is amended by adding at the end the following: ''Notwithstanding section 6(a), lands and interests in lands may not be acquired for the purposes of this paragraph without the consent of the owner thereof.''.

TITLE V—TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT

SEC. 501. NUMBERING OF PARAGRAPHS.

(a) DESIGNATIONS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico	(109)
Pecos River, New Mexico	(110)
Smith River, California	(111)
Middle Fork Smith River, California	(112)
North Fork Smith River, California	(113)
Siskiyou Fork Smith River, California	(114)
South Fork Smith River, California	(115)
Clarks Fork, Wyoming	(116)
Niobrara, Nebraska	(117)
Missouri River, Nebraska and South Dakota	(118)
Bear Creek, Michigan	(119)
Black, Michigan	(120)
Carp, Michigan	(121)
Indian, Michigan	(122)
Manistee, Michigan	(123)
Ontonagon, Michigan	(124)
Paint, Michigan	(125)
Pine, Michigan	(126)
Presque Isle, Michigan	(127)
Sturgeon, Hiawatha National Forest, Michigan	(128)
Sturgeon, Ottawa National Forest, Michigan	(129)
East Branch of the Tahquamenon, Michigan	(130)
Whitefish, Michigan	(131)
Yellow Dog, Michigan	(132)
Allegheny, Pennsylvania	(133)
Big Piney Creek, Arkansas	(134)
Buffalo River, Arkansas	(135)
Cossatot River, Arkansas	(136)
Hurricane Creek, Arkansas	(137)
Little Missouri River, Arkansas	(138)
Mulberry River, Arkansas	(139)
North Sylamore Creek, Arkansas	(140)
Richland Creek, Arkansas	(141)
Sespe Creek, California	(142)
Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskin River, Lower Segment	(151)
Manumuskin River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)

Rio Grande, New Mexico ..... (155)
Farmington River, Connecticut ..... (156)

(b) STUDY RIVERS.—Section 5(a) of such Act is amended as follows:

(1) Paragraph (106), relating to St. Mary's, Florida, is renumbered as paragraph (108).

(2) Paragraph (112), relating to White Clay Creek, Delaware and Pennsylvania, is renumbered as paragraph (113).

(3) The unnumbered paragraphs, relating to each of the following rivers, are amended by numbering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)
Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)
Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)
Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

TITLE VI—PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO

SEC. 601. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 and following), is amended by adding the following new section at the end thereof:

"SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

''Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gaging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.''.

SEC. 602. ENCOURAGEMENT OF EXCHANGES.

(a) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the ''Colorado Wilderness Act of 1980'' (Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).

(b) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city's proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 2292, a bill to preserve the Hanford reach of the Columbia River and for other purposes. Mr. Speaker, this is good bi-partisan legislation which provides for the preservation and improved management of important rivers thoughout the country.

Title I, authored by Mr. HASTINGS, of the bill provides for permanent protection of the last free-flowing section of the Columbia River which support native salmon spawning beds. In 1988, Congress enacted legislation to prohibit damming and dredging of this river segment for 8 years while directing the Secretary of the Interior to develop a plan for future management of this river segment. While Secretary Babbitt has yet to send us the required study, the moratorium on damming and dredging is about to expire and therefore it is important for Congress to renew this moratorium in perpetuity. I applaud the gentleman from Washington, [Mr. HASTINGS], for his effort to preserve the Hanford Reach.

Title II of the bill is a measure authored by Congressman ZELIFF which designates 11.5 miles of the Lamprey River in New Hampshire as a wild and scenic river. This legislation is based on a report prepared pursuant to a previous act of Congress. Although the river is bounded by mostly private property, this legislation contains adequate safeguards to protect private property and is strongly supported by local persons.

Title III, authored by Mr. RAHALL relates to several wild and scenic rivers in the State of West Virginia which are also units of the park system. It reflects the work of the committee over the last 4 years to amend boundaries and make technical amendments to improve the management of these parks. This title adds important lands to these parks, assures that the State can continue to manage wildlife and improves public access to the rivers.

Title IV, authored by Mr. JOHNSON of South Dakota prohibits the Secretary of the Interior from using condemnation along a 39-mile segment of the Missouri Wild and Scenic River in the State of South Dakota. Since the NPS has already stated their intent not to use condemnation along this stretch of river, this legislation simply puts into action the plans already adopted by the NPS.

Title V of the bill simply contains technical amendments to the Wild and Scenic River Act which provides for the numbering of the study and designation paragraphs of the existing act.

Title VI of the bill, authored by Mr. SKAGGS provides for the protection of the St. Vrain Creek in Colorado. This provision also enhances the protection of Rocky Mountain National Park through which the stream flows.

In all Mr. Speaker, this is a good bill with many strong protection measures. I commend the many Members for their work on this bill and urge all my colleagues to support it.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS], who has worked very hard on title VI of this legislation dealing with the North St. Vrain River and Rocky Mountain National Park.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, this provision, title VI of this bill, represents the culmination now of some 8 years of work conducted by many, many citizens in the area of Colorado that I represent who have been concerned for some time with the protection of this pristine roadless canyon, the last major roadless canyon along the front range of the Rockies in the State of Colorado.

We are here because folks with different interests, from environmentalists to water district managers, to local communities and residents, spent literally hours and hours, and tons of meetings over several years developing a consensus that is embodied in title VI of this bill. It will ensure that the free flow of this stream in the upper reaches of the North Saint Vrain Canyon originating in Rocky Mountain National Park down to Button Rock Reservoir will remain free flowing forever.

This is really some extraordinary country, Mr. Speaker, one of the most impressive wildlife habitat areas along the front range as well as an area of extraordinary and dramatic beauty. We should all be proud of taking this step to make sure that it remains that way in perpetuity.

I want to thank the members and the leadership of the Committee on Resources, the gentleman from Colorado [Mr. ALLARD], for his assistance on this, and urge its passage along with the other provisions in this piece of legislation.

I am delighted that the House will today approve H.R. 2292, legislation that includes well-deserved and long-awaited protections for North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range.

The relevant part—title VI—of the bill will prevent construction of new dams on North St.

Vrain Creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clarify public land ownership along the creek. Both of these provisions are based on freestanding legislation that I introduced last year and I appreciate the inclusion of the North St. Vrain Creek Protection Act in this bill.

North St. Vrain Creek, fed by countless rivulets and wild tributaries, is the primary stream flowing from the southeastern portion of Rocky Mountain National Park. From its beginnings at the continental divide, in snowfields near Long's peak, it tumbles through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches the Ralph Price Reservoir.

The watershed includes habitat for bighorn sheep, deer, elk, and mountain lions; for peregrine falcons, owls, hawks, and songbirds; for native fish, insects, and other small creatures; and for a dazzling diversity of aquatic, riparian, and mountain plants. It provides popular hiking, fishing, and hunting terrain relatively near to some of Colorado's larger cities.

The stream, surrounded by a thousand shades of greenery cooled by the mist of tumbling water, provides a profound sense of refreshment, of inspiration, and of wonder. This joining of land and water is exceptional, even for Colorado—which is no small distinction.

The North St. Vrain should be kept free of additional dams and impoundments. To that end, my bill's provisions, now included in H.R. 2922, incorporate the recommendations of a citizens' advisory committee, which I appointed in conjunction with the Boulder County Commissioners. That committee spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

Thus, these provisions represent a great deal of work by Coloradans—especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal. I've never known such a dedicated and conscientious group of public servants as the unpaid members of this North St. Vrain Advisory Committee. They know the creek and its environs as thoroughly as any group of citizens anywhere knows a particular area in the United States.

The advisory committee reached four principal conclusions:

First, that the North St. Vrain Creek is deserving of National Wild and Scenic River status, but that it would be premature to seek legislation to so designate it, pending development of consensus on that point. This bill would not preclude such a designation later.

Second, that, for now, a permanent prohibition should be placed on Federal approval or assistance for the construction of dams on the creek and on any part of its national park tributaries.

Third, that the National Park Service and the Forest Service should move promptly to reach agreement with the city of Longmont, CO, regarding Federal acquisition of lands the city owns along the creek.

And, fourth, that a series of the committee's recommendations should be followed in managing the Federal lands along the creek.

Three of these proposals are specified in the bill's language. I have submitted, as part of the hearing record, two documents related to the fourth proposal, regarding management of the relevant lands. One is a copy of the advisory committee's final report, and the other is a copy of the advisory committee's management plan outline. I will also present these documents to the Forest Service and National Park Service when they develop future management plans for the creek and adjoining lands.

The primary theme of these documents is that Federal management decisions should retain the current types and levels of recreational uses of the public lands in the corridor along North St. Vrain Creek. This can be done by restricting the expansion of trails and campgrounds, and through strategic land acquisitions to protect natural features from damage that would come from expanded or excessive uses. The documents also support continued good stewardship on private lands in the corridor under the guidance and control of Boulder County's land-use regulations, as well as continued protection against trespass.

Mr. Speaker, I introduced this legislation not only because of my belief in the importance of protecting the North St. Vrain, but also because of my firm conviction that the hundreds of Coloradans who have worked toward that goal have crafted a sound, effective consensus measure. Its provisions are good, clear, and straightforward, and they have the strong support of the people in the area. I urge the House to approve this bill, so that, with its enactment into law, the wonders of North St. Vrain Creek will be protected for all time.

Finally, let me express my thanks to the leadership of the Resources Committee for bringing this bill up for House action and to my colleague from Colorado, Mr. ALLARD, for his assistance.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Most of the titles of this legislation we are in agreement with, but we along with the administration, as they noted in their testimony, are concerned about the protections provided in the Hanford Reach provisions of this legislation. The concern being that we are accepting a much lesser degree of protection than we believe and the administration believes the Hanford Reach deserves, and are concerned whether or not this will eventually lead to the loss of vital natural and cultural resources. We recognize that there is disagreement on this, but we are concerned that this does not provide the level of protection that is necessary.

Mr. Speaker, the amendments adopted by the Resources Committee wraps into H.R. 2292 several river bills pending before the committee. Several of the titles in the amended bill are either opposed by the administration or they otherwise have concerns with the language. This is not a noncontroversial bill. We would have preferred that the House take up these river bills separately.

As the administration noted in its testimony, if not followed by subsequent actions, the Hanford Reach provisions of H.R. 2292 would result in a far lesser degree of protection than the Hanford Reach deserves and could result in the potential loss of vital natural and cultural resources.

We have no objection to the Lamprey River title. I understand the administration supports the bill and that the language is consistent with what we have done for similar rivers.

We also have no objection to the provisions dealing with the North St. Vrain. The House passed the same legislation in the last Congress, also sponsored by Representative SKAGGS.

The administration has expressed some minor concerns about certain provisions in the West Virginia rivers title, specifically as they relate to river access and fish stocking activities, but these should not delay its passage.

Likewise I would note that the administration does not support the language dealing with the Missouri River.

Mr. Speaker, I can understand the desire to package legislation, but in this case, with the concerns and objections outstanding, it may eventually delay, rather than facilitate, enactment of the various provisions.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of my legislation, H.R. 2292, the Hanford Reach Preservation Act. I want to thank my fellow colleagues on the House Resources Committee, in particular Chairman YOUNG and subcommittee Chairman HANSEN, for their expeditious consideration of this legislation.

Mr. Speaker, title I of H.R. 2292 makes permanent the current moratorium on dam building, channeling, and navigational projects along the stretch of the Columbia River known as the Hanford Reach. Located in the heart of my central Washington congressional district, the Hanford Reach is the last free-flowing stretch of the Columbia River. Running through the Hanford Nuclear Reservation, the reach is also the location of some of the healthiest salmon runs anywhere in the Pacific Northwest.

For the past 8 years, the Federal Government has played an important role in protecting the reach by prohibiting its agencies from constructing dams, channels, and other projects on this part of the river. H.R. 2292 permanently extends the current moratorium on these activities that is set to expire November 6, 1996.

The original moratorium was a direct response to proposals that would have opened the reach to barge traffic. We have since learned that making the reach navigational is not only unwise ecologically but is also impractical. H.R. 2292 ensures that we will never consider this policy again.

The Hanford Reach Preservation Act will make a significant contribution to the continued protection of this pristine area. While more needs to be resolved within the local community before this area is completely protected, H.R. 2292 is a positive step in the right direction.

Again, I thank my colleagues for their assistance and strongly urge the House to vote in favor of this measure.

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

Mr. DOOLITTLE. Mr. Speaker, I urge passage of this important bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2292, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GUNNISON COUNTY, COLORADO, LAND CONVEYANCE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2438) to provide for the conveyance of lands to certain individuals in Gunnison County, CO, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—The Congress finds the following:

(1) Certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate.

(2) In 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands.

(3) The resurvey indicated that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c–521i) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designated by section 102(a)(16) of Public Law 96–560 (16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled ''Encroachment-Raggeds Wilderness'', dated November 17, 1993. Such map shall be on file and available for inspection in the appropriate offices of the United States Forest Service, Department of Agriculture.

(d) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521C–521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to those owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded lands and who have occupied the excluded lands in good faith reliance on an erroneous survey.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 2438, introduced by Mr. MCINNIS of Colorado. H.R. 2438 corrects an encroachment into the Raggeds Wilderness on the White River National Forest, just west of the Town of Marble, CO. The encroachment, discovered in 1993 following a new boundary survey, consists of approximately 400 feet of power line and 450 feet of road. In addition, portions of four subdivision lots extend into the wilderness. The road is a county road and provides the sole legal access to the four lots. The entire encroachment is less than 1 acre of land.

The land in question does not have any wilderness characteristics. This land was used as it is today for 23 years before Congress designated the Raggeds Wilderness in 1982. Although only 0.86 acres is affected, the Forest Service cannot settle the matter under authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness.

H.R. 2438 adjusts the wilderness boundary to exclude the 0.86 acres from the wilderness area, and, as amended in the Subcommittee on National Parks, Forests and Lands, it directs the Secretary of Agriculture to convey the affected lands to the landowners under the authority of the Small Tracts Act.

I urge the Members of the House to support H.R. 2438, so that the Forest Service will have the authority it needs to complete this minor land adjustment.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the consideration of this measure. The bill was amended by the Committee on Resources to require that land transfers should be made pursuant to the Small Tracts Act, thereby protecting the public interest in this land transfer.

Mr. Speaker, H.R. 2238 deletes approximately 1 acre from the Raggeds Wilderness and authorizes the transfer of this land to the adjacent private landowners who thought the land was theirs based on erroneous private surveys.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2438, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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WENATACHEE NATIONAL FOREST LAND EXCHANGE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2518) to authorize the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, WA, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND EXCHANGE.

(a) EXCHANGE.—Subject to subsection (c), the Secretary of Agriculture (referred to in this section as the ''(Secretary'') shall convey all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(1) to Public Utility District No. 1 of Chelan County, Washington (referred to in this section as the ''Public Utility District''), in exchange for the conveyance to the Secretary of Agriculture by Public Utility District of all right, title, and interest of the Public Utility District in and to the lands described in subsection (b)(2).

(b) DESCRIPTIONS OF LANDS.—

(1) NATIONAL FOREST SYSTEM LANDS.—The National Forest System lands referred to in subsection (a) are 122 acres, more or less, that are partially occupied by a wastewater treatment facility referred to in subsection (c)(4)(A) with the following legal description:

(A) The NE¼ of SW¼ of section 27 of township 27 north, range 17 east, Willamette Meridian, Chelan County, Washington.

(B) The N½ of SE¼ of SW¼ of such section 27.

(C) The W½ of NW¼ of SE¼ of such section 27.

(D) The NW¼ of SW¼ of SE¼ of such section 27.

(E) The E½ of NW¼ of the SE¼ of such section 27.

(F) That portion of the S½ of SE¼ of SW¼ lying north of the northerly edge of Highway 209 right-of-way of such section 27.

(2) PUBLIC UTILITY DISTRICT LANDS.—The lands owned by the Public Utility District are 109.15 acres, more or less, with the following legal description:

(A) S½ of SW¼ of section 35 of township 26 north, range 17 east, Willamette Meridian Chelan County, Washington.

(B) The area specified by Public Utility District No. 1 as Government Lot 5 in such section 35.

(c) REQUIREMENTS FOR EXCHANGE.—

(1) TITLE ACCEPTANCE AND CONVEYANCE.—Upon offer by the Public Utility District of all right, title, and interest in and to the lands described in subsection (b)(2), if the title is found acceptable by the Secretary, the Secretary shall accept title to such lands and interests therein and shall convey to the Public Utility District all right, title, and interest of the United States in and to the lands described in subsection (b)(1).

(2) APPRAISALS REQUIRED.—Before making an exchange pursuant to subsection (a), the Secretary shall conduct appraisals of the lands that are subject to the exchange to determine the fair market value of the lands. Such appraisals shall not include the value of the wastewater treatment facility referred to in paragraph (4)(A).

(3) ADDITIONAL CONSIDERATION.—If, on the basis of the appraisals made under paragraph (1), the Secretary determines that the fair market value of the lands to be conveyed by one party under subsection (a) is less than the fair market value of the lands to be conveyed by the other party under subsection (a), then, as a condition of making the exchange under subsection (a), the party conveying the lands with the lesser value shall pay the other party the amount by which the fair market value of the lands of greater value exceeds the fair market value of the lands of lesser value.

(4) CONVEYANCE OF WASTEWATER TREATMENT FACILITY.—(A) As part of an exchange made under subsection (a), the Secretary shall convey to the Public Utility District of Chelan County, Washington, all right, title, and interest of the United States in and to the wastewater treatment facility (including the wastewater treatment plant and associated lagoons) located on the lands described in subsection (b)(1) that is in existence on the date of the exchange.

(B) As a condition for the exchange under subsection (a), the Public Utility District shall provide for a credit equal to the fair market value of the wastewater treatment facility conveyed pursuant to subparagraph (A) (determined as of November 4, 1991), that shall be applied to the United States' share of any new or modified wastewater treatment facilities constructed by the Public Utility District after November 4, 1991.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under this section as the Secretary determines appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 2518, introduced by Mr. HASTINGS of Washington. This legislation provides for the transfer of 122 acres of National Forest System lands and a sewage treatment plant to Public Utility District No. 1 of Chelan County. In exchange, the Forest Service will receive 109 acres of unencumbered land owned by the P.U.D. on the Wenatchee River.

H.R. 2518 requires the Secretary of Agriculture to conduct an appraisal to determine the current fair market value of the lands and requires payment needed to equalize any difference in land value. It also requires that all right, title, and interest in the wastewater treatment facility shall be conveyed to the P.U.D., and that the P.U.D. shall provide a credit, equal to the fair market value of the treatment facility, applied to the United States' share of any new or modified facilities constructed by the P.U.D. after November 4, 1991.

Mr. HASTINGS is to be commended for his efforts to ensure that the legislation fully meets the needs of both the Forest Service and the public utility district. H.R. 2518 is supported by the administration and is needed to provide for the more efficient management of wastewater treatment in the Lake Wenătchee area of Chelan County, Washington. Therefore, I urge my colleagues to facilitate this land exchange and support H.R. 2518.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2518 would authorize the transfer of sewage treatment facilities and associated lands on the Wenatchee National Forest to Public Utility No. 1 of Chelen County, in exchange for lands of equal value and other consideration.

We have no objection to the measure and I would note that the administration also supports the bill. It is a fair deal for both the local utility district and the Federal Government.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding and rise in strong support of H.R. 2518.

This noncontroversial bill authorizes the transfer of 122 acres of Wenatchee National Forest land that includes a wastewater treatment plant, for 109 acres of unencumbered land along the Wenatchee River currently owned by Chelan Public Utility District No. 1.

In recent years, the septic system serving area businesses and private residences has failed due to rapid growth and development throughout the Lake Wenatchee community. The PUD will use the Forest Service facility to provide adequate services to this area.

H.R. 2518 merely implements this commonsense solution developed by the local community. The bill has the strong support of the PUD, the Forest Service, and the local county commissioners. All sides agree that the transfer of the Forest Service's wastewater treatment plant is the answer to the Lake Wenatchee community's current problems.

I want to thank Subcommittee Chairman HANSEN and Ranking Member RICHARDSON for their prompt attention to this bill and urge its passage today.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2518, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEL NORTE COUNTY, CA, LAND CONVEYANCE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2709) to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, CA, as amended.

The Clerk read as follows:

H.R. 2709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall convey to the Del Norte County Unified School district of Del Norte County, California, in accordance with this Act, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIPTION.

The property referred to in section 1 is that portion of Township 17 North, Range 2 East, Humboldt Meridian in Del Norte County, California, which is further described as follows:

Beginning at Angle Point No. 3 of Tract 41 as resurveyed by the Bureau of Land Management under survey Group No. 1013, approved August 13, 1990, and shown on the official plat thereof;

thence on the line between Angle Points No. 3 and No. 4 of Tract 41, North 89 degrees, 24 minutes, 20 seconds East, a distance of 345.44 feet to Angle Point No. 4 of Tract 41;

thence on the line between Angle Points No. 4 and No. 5 of Tract 41, South 00 degrees, 01 minutes, 20 seconds East, a distance of 517.15 feet;

thence West, a distance of 135.79 feet;

thence North 88 degrees, 23 minutes, 01 seconds West, a distance of 61.00 feet;

thence North 39 degrees, 58 minutes, 18 seconds West, a distance of 231.37 feet to the East line of Section 21, Township 17 North, Range 2 East;

thence along the East line of Section 21, North 00 degrees, 02 minutes, 20 seconds West, a distance of 334.53 feet to the point of beginning.

SEC. 3. CONSIDERATION.

The conveyance provided for in section 1 shall be without consideration except as required by this Act.

SEC. 4. CONDITIONS OF CONVEYANCE.

The conveyance provided for in section 1 shall be subject to the following conditions:

(1) Del Norte County shall be provided, for no consideration, an easement for County Road No. 318 which crosses the Northeast corner of the property conveyed.

(2) The Pacific Power and Light Company shall be provided, for no consideration, an

easement for utility equipment as necessary to maintain the level of service provided by the utility equipment on the property as of the date of the conveyance.

(3) The United States shall be provided, for no consideration, an easement to provide access to the United States property that is south of the property conveyed.

SEC. 5. LIMITATIONS ON CONVEYANCE.

The conveyance authorized by section 1 is subject to the following limitations:

(1) ENCUMBRANCES.—Such conveyance shall be subject to all encumbrances on the land existing as of the date of enactment of this Act.

(2) RE-ENTRY RIGHT.—The United States shall retain a right of re-entry in the land described for conveyance in section 2. If the Secretary determines that the conveyed property is not being used for public educational or related recreational purposes, the United States shall have a right to re-enter the property conveyed therein without consideration.

SEC. 6. ADDITIONAL TERMS AND CONDITIONS.

The conveyance provided for in section 1 shall be subject to such additional terms and conditions as the Secretary of Agriculture and the Del Norte County Unified School District agree are necessary to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 2709, introduced by Mr. RIGGS of California, to transfer ownership of 4.32 acres of national forest land in California to the Del Norte County Unified School District for the Gasquet Mountain School. The school district has leased the land from the Six Rivers National Forest for $900 per year for a school since 1961. While technically part of the Six Rivers National Forest, the parcel is actually in a town setting and would otherwise be unused by the Forest Service.

Because the school district does not own title to the land, it has been unable to qualify for funding to upgrade or add to the school. There is no indoor facility for children in inclement weather. The transfer would enable the school to build a multipurpose room for use as a cafeteria, gymnasium, and meeting room.

The bill was amended in the Subcommittee on National Parks, Forests, and Lands to clarify the reservations to the Federal Government, and then, at the administration's request, it was amended by the Committee on Resources to further clarify those reservations. As a result, H.R. 2709 ensures the Federal Government a right of reentry in the event the land is no longer used for public educational or recreational purposes.

This commonsense legislation is needed so that a small rural community in northwest California can provide much-needed facilities for its students. I urge the Members of the House to join me in supporting H.R. 2709 for the school children of Del Norte County.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objections to this measure. It was amended by the Committee on Natural Resources to address several issues related to the transfer.

Mr. Speaker, H.R. 2709 would convey 4.2 acres of land in the Six Rivers National Forest to the Del Norte County School District for no consideration, subject to certain terms and conditions.

We have no objection to the measure. H.R. 2709 was amended by the Resources Committee to address several issues related to the transfer. As the bill stands now, it will provide necessary lands for a local school, while retaining for the Federal Government terms and conditions that protect the public interest.

Mr. RIGGS. Mr. Speaker, I rise in support of H.R. 2709, which I introduced last December. I thank Chairman HANSEN and the other bipartisan leadership of the Resources Committee for their attention to this bill.

Briefly, H.R. 2709 would convey to the Del Norte County Unified School District, Del Norte County, CA, 4.32 acres of Forest Service land on which the Gasquet Mountain School now sits.

The bill provides that as soon as practicable after enactment, the Secretary of Agriculture shall convey to the Del Norte County Unified School District land, which is described by metes and bounds, on which the Gasquet Mountain School has been located since 1961. Since that time, the school district has paid approximately $900 per year for the lease of the land from the Forest Service. The land would otherwise be unused.

Gasquet, CA is a small rural community located in the middle of U.S. Forest Service and National Park lands. It is over 20 miles from the nearest community facility available for social or recreational purposes.

Because the school district does not own title to the land, it has been unable to qualify for funding to enhance, expand, and otherwise improve the educational and recreational opportunities for local children. There is now no indoor facility where children can play during Del Norte County's long, wet, and sometimes snowy, winters. If the transfer is approved, the school could build a multipurpose room. It could also be used as a cafeteria, gymnasium, and meeting room.

While the land is technically part of Six Rivers National Forest, it is isolated from the main body of the forest within the town of Gasquet. Because of this, and its long history of use as a school, the conveyance would be without consideration. However, the bill requires that the school district must continue to use the property for public educational or recreational purposes. Furthermore, the school district must provide continued access as necessary to the United States—to reach adjoining property—to Del Norte County—for a road—and to the local power company.

Previous attempts by the school district to exchange other land for the parcel have been unsuccessful. An official of the Forest Service has described the site as ''a parcel of public land sitting within a town site [that's] almost impossible to manage as a piece of national forest.'' In a July 31, 1995, letter regarding a no-cost conveyance, the Department of Agriculture Forest Supervisor stated:

> Our Forest would have no objection to this method of conveying the site to the School District due to its close proximity to the town of Gasquet, long range need, location outside the [Smith River National Recreation Area], overall development of the site, and the difficulty of the Forest Service to manage the site for other National Forest purposes.

Besides the Forest Service, the Gasquet Community Council, Del Norte County Unified School District, and the Del Norte County Board of Supervisors all support the transfer proposed by H.R. 2709.

I urge my colleagues to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time, and I urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ELKHORN TIMBER SUBSTITUTION

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale.

The Clerk read as follows:

H.R. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSTITUTION OF TIMBER FOR CANCELED TIMBER SALE.

(a) IN GENERAL.—Notwithstanding the provisions of the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and the requirements of section 5402.0–6 of title 43, Code of Federal Regulations, the Secretary of the Interior, acting through the Bureau of Land Management, is authorized to substitute, without competition, a contract for timber identified for harvest located on public lands administered by the Bureau of Land Management in the State of California of comparable value for the following terminated timber contract: Elkhorn Ridge Timber Sale, Contract No. CA–050–TS–88–01.

(b) DISCLAIMER.—Nothing in this section shall be construed as changing any law or policy of the Federal Government beyond the timber sale substitution specified in this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, in October 1987, BLM sold 3.8 million board feet of timber within the Elkhorn Ridge area in Mendocino County near Laytonville, CA. As the result of a lawsuit filed with the Federal district court in 1989 by the Sierra Club, the BLM reassessed the impacts of the sale on the area's wild and scenic river corridor, northern spotted owl, marbled murrelet and the at-risk coho salmon, currently petitioned for Federal listing.

The Elkhorn Ridge sale site lies within the South Fork Eel River Management Area, which has been identified as a tier 1 key watershed in the President's Northwest forest plan.

The BLM signed a record of decision on May 27, 1994, stopping the harvest of the timber sale. Eel River Sawmills filed a claim under the Contract Disputes Act for resolution of the Elkhorn Ridge timber sale contract, seeking damages of $2.4 million.

The BLM's preferred option in resolving the timber contract is to substitute timber from less environmentally sensitive areas in the region. BLM has identified three suitable sale areas which would be nearly equal in value to the Elkhorn timber sale. BLM's Regional and the Department of the Interior Solicitors have concurred in BLM's determination that such a substitute would be in the public interest and the most suitable resolution to this legal dispute.

H.R. 2711 enjoys the support of the interested parties and would authorize such a substitute.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2711 would implement a settlement agreement reached between Eel River Sawmills, Inc., and the Department of the Interior regarding the Elkhorn Ridge Timber sale.

We have no objection to this measure. Enactment of the bill will replace an environmentally destructive timber sale with one that is consistent with the President's forest plan. In addition, H.R. 2711 will negate the need to go to court to deal with the damage claim resulting in the canceling of the Elkhorn timber sale. The administration testified that they support the bill and believe it is in the best interests of the Government and the taxpayers to reach this agreement.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS], the author of this legislation.

Mr. RIGGS. Mr. Speaker, I want to thank my very good friend, the gentleman from California [Mr. DOOLITTLE], for yielding me time, and a fellow member of the Gang of 7, least they forget too soon around here. I also want to thank other members of the Committee on Natural Resources, including the ranking minority member, the gentleman from California [Mr. MILLER], for their support of the immediately preceding bill as well as this particular legislation. Both of these bills are very important to my congressional district.

The conveyance of the Gasquet Mountain School property will help a very small rural and remote community in Del Norte County, the most northern county in my congressional district. It will help a financially strapped school district by providing them with a facility for permanent use. It will also provide a rural community with a meeting location for other community activities, although again the principal purpose of conveying this property is to provide the Gasquet School District with an additional permanent facility on land that has been previously owned by the Federal Government and managed by the U.S. Forest Service.

The Elkhorn timber sale substitution is an equitable resolution of a long-standing dispute between the Bureau of Land Management and a private timber company, the Eel River Sawmills, which is one of the largest and most important private employers in Humboldt County, the largest county in my congressional district.

This is, I think, sort of an example of how we might resolve disputed timber sales when, after the Federal Government has entered into a contractual obligation to sell timber harvesting rights or timber land to a private concern, environmental objections are raised.

Again, we believe that this bill does in fact substitute timber of equal value for the canceled Elkhorn Ridge timber sale. It should make the Eel River Sawmills, which was the successful bidder on the Elkhorn Ridge timber sale, financially whole, and it will provide them with a timber supply with which they can continue to operate their mill and continue to employ their work force, which, again, represents a significant private employer in my congressional district.

So I want to thank the gentleman from California [Mr. DOOLITTLE], and again thank the minority members of the Committee on Natural Resources for their bipartisan leadership and support of these two measures, H.R. 2709, conveyance of the Gasquet County school property, and I want to ask for their support for H.R. 2711, the bill pending before the House, the Elkhorn Ridge timber sales substitution, and urge passage of the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2711.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALIFORNIA BUREAU OF LAND MANAGEMENT TRANSFER

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3147) to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that the exchange of lands authorized by this Act will benefit both the private landowners and the United States by consolidating their respective land ownership patterns.

(b) PURPOSE.—The purpose of this Act is to authorize, facilitate, and expedite the land exchange set forth herein.

SEC. 2. MERCED IRRIGATION DISTRICT LAND EXCHANGE.

(a) CONVEYANCE.—The Secretary of the Interior may convey the Federal lands described in subsection (d)(1) in exchange for the non-Federal lands described in subsection (d)(2), in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—The land exchange required in this Act shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and in accordance with other applicable laws.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary of the Interior shall not carry out an exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

(d) LANDS TO BE EXCHANGED.—

(1) FEDERAL LANDS TO BE EXCHANGED.—The Federal lands referred to in this Act to be exchanged consist of approximately 179.4 acres in Mariposa County, California, as generally depicted on the map entitled ''Merced Irrigation District Exchange—Proposed, Federal Land''; dated ———— 1995, more particularly described as follows:

T. 3 S., R. 15 E., MDM (Mount Diablo Meridian): sec. 35, SW¼SE¼, containing approximately 40 acres.

T. 4 S., R. 15 E., MDM (Mount Diablo Meridian):

Sec. 14: E½SE¼SE¼, containing approximately 20 acres.

Sec. 23: NE¼SE¼, containing approximately 40 acres.

T. 5 S., R. 15 E., MDM (Mount Diablo Meridian):

Sec. 2: Lot 1, containing approximately 57.9 acres.

Sec. 3: Lots 7 through 15, containing approximately 21.5 acres.

(2) NON-FEDERAL LANDS TO BE EXCHANGED.—The non-Federal lands referred to in this Act to be exchanged consist of approximately 160 acres in Mariposa County, California, as generally depicted on the map entitled ''Merced

Irrigation District Exchange—Proposed, Non-Federal Land'', dated ———— 1995, more particularly described as T. 4 S., R17E MDM (Mount Diablo Meridian): sec. 2, SE¼.

(3) MAPS.—The maps referred to in this subsection shall be on file and available for inspection in the office of the Director of the Bureau of Land Management.

(4) PARTIAL REVOCATION OF WITHDRAWALS.—The Executive order of December 31, 1912, creating Powersite Reserve No. 328, and the withdrawal of Federal lands for Power Project No. 2179, filed February 21, 1963, in accordance with section 24 of the Federal Power Act are hereby revoked insofar as they affect the Federal lands described in paragraph (1). Any patent issued on such Federal lands shall not be subject to section 24 of said Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I would like to thank Mr. RADANOVICH for his diligent work on H.R. 3147. H.R. 3147 will result in an equal value exchange of lands between the Bureau of Land Management [BLM] and the Merced Irrigation District [MID] supported by all interested parties.

In 1991, Congress added 8 miles of the Merced River upstream from Lake McClure in Mariposa County, CA, to the National Wild and Scenic River System. Lake McClure is the main reservoir of the Merced Irrigation District. The Bureau of Land Management manages a significant amount of land in the Lake McClure area.

Soon after the wild and scenic river designation, MID and the BLM began to discuss a possible land transfer to enhance their land management objectives. As a result of the discussions, MID and BLM worked out a land exchange in which BLM would convey several scattered parcels of land below Lake McClure in exchange for approximately 160 acres of land owned by MID along the national wild and scenic corridor. The land exchange proposal is contained in H.R. 3147.

H.R. 3147 will enable the BLM to consolidate its land ownership in the Merced River region and enhance one of their most important recreational areas in California. At the same time, H.R. 3147 will benefit MID by allowing them to consolidate their ownership of lands in the Lake McClure area.

□ 1430

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Continuing this unprecedented bipartisan harmony, we have no objection to this measure and the administration supports this bill.

Mr. Speaker, H.R. 3147 provides for the exchange of lands between the Bureau of Land Management and the Merced Irrigation District. Under the legislation, 179 acres of scattered BLM lands within the irrigation district's water project area would be exchanged for 160 acres of land the irrigation district owns within the boundaries of the Merced Wild and Scenic River.

We have no objection to the measure. The administration supports the bill. It is an even value exchange that will benefit both the irrigation district and the Federal Government.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill H.R. 3147, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN HEALTH CARE DEMONSTRATION PROGRAM

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

The Clerk read as follows:

H.R. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN DEMONSTRATION PROGRAM.

Section 405(c)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1645(c)(2)) is amended by striking ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3378 would extend a demonstration project for direct billing of Medicare, Medicaid, and other third party payors. This bill will extend this demonstration project through September 30, 1998, rather than allowing it to sunset at the end of this month.

In 1988, the Indian Health Care Improvement Act established demonstration programs to authorize up to four tribally operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to Medicare and Medicaid eligible patients. The program was established to decide whether these collections could be increased through direct involvement of the tribal health care provider versus the current practice which required such billings and collections to be routed through the Indian Health Service.

Currently, there are four tribal health care providers participating in this demonstration project: the Bristol Bay Area Health Corporation of Dillingham, AK; the South East Alaska Regional Health Consortium of Sitka, AK; the Mississippi Choctaw Health Center of Philadelphia, MS; and the Choctaw Tribe of Oklahoma of Durant, OK. All participants have expressed success and satisfaction with the demonstration project and report dramatically increased collections for Medicare and Medicaid services, thereby providing additional revenues for Indian health programs at these facilities. They also report a significant reduction in the turnaround time between billing and receipt of payment, and increased efficiency by being able to track their own billings and collections. Therefore, they can act quickly to resolve questions and problems.

The Indian Health Service is required to monitor participation and receive quarterly reports from the four participants. The law also requires the Indian Health Service to report to Congress on the demonstration program at the end of fiscal year 1996. This report is to evaluate whether the objectives have been fulfilled, and whether direct billing should be allowed for other tribal providers who operate an entire Indian Health Service facility.

H.R. 3378 extends this demonstration authority for 2 more years to give Congress time to review the report the Indian Health Service must submit on September 30, 1996, and determine the future of the program. Secretary Donna E. Shalala sent a letter to Chairman DON YOUNG on August 1 in support of H.R. 3378 for the administration. I urge my colleagues to support the extension of this productive demonstration program and to vote for final passage of H.R. 3378.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to offer my support for this bill which would extend for 2 more years an important demonstration project contained in section 405 of the Indian Health Care Improvement Act. This demonstration project allows participating tribes and tribal organizations who operate their own hospitals

or clinics to directly bill Medicaid and Medicare for services provided to eligible Indian patients. Direct billing has saved these tribes invaluable time and money that they otherwise would have lost by having to route their billing through the Indian Health Service. By saving the tribes time, the program has allowed the tribes to more efficiently manage their limited resources and improve billing practices, which in turn has generated even more income for these programs. At a time when the national level of need funded [LNF] for most Indian health programs rests at 60–70 percent, these additional dollars make an important difference in the kinds of services and quality of care these tribes can provide.

Mr. Speaker, I believe that this demonstration program has been a remarkable success and hope that in time we will be able to expand this worthwhile project to other tribes and tribal organizations.

Mr. Speaker, I thank the author of this bill, the gentleman from Alaska [Mr. YOUNG], the chairman of the House Resources Committee, and the gentleman from California [Mr. MILLER], the ranking Democrat of the Resources Committee, for their support.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I include for the RECORD a letter from the gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, August 1, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: On June 19, 1996, the Committee on Resources ordered reported H.R. 3378, a bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors. It is my understanding that you would like the Committee on Commerce to be discharged from consideration of this measure.

I have a number of concerns about proceeding in this manner. As you know, this Committee has invested countless hours in Medicaid reform legislation. The status of our reform efforts makes separate consideration of H.R. 3378 somewhat awkward. Despite my position on this matter, I do understand your interest in having H.R. 3378 move forward expeditiously, since authorization for these demonstration projects ends September 30, 1996. Therefore, the Committee on Commerce will agree to be discharged from consideration of this legislation.

By agreeing to be discharged from consideration, this Committee does not waive its jurisdictional interest in the matter. I reserve the right to seek equal conferees during any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Commerce Committee with a timely opportunity to review its interests in H.R. 3378. I would appreciate your including this letter as a part of the Resource Committee's report on H.R. 3378, and as part of the record during consideration of this bill by the House.

Sincerely,
THOMAS J. BLILEY Jr., *Chairman.*

Mr. DOOLITTLE. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 3378.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The motion to reconsider was laid on the table.

APACHE NATIONAL FOREST LAND CONVEYANCE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3547) to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields, as amended.

The Clerk read as follows:

H.R. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, APACHE NATIONAL FOREST, ARIZONA.

(a) CONVEYANCE REQUIRED.—(1) The Secretary of Agriculture shall convey, without consideration, to the Alpine Elementary School District 7 of the State of Arizona (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 30 acres located in the Apache National Forest, Apache County, Arizona, and further delineated as follows: North ½ of Northeast ¼ of Southeast ¼ of section 14, Township 5 North, Range 30 East, Gila and Salt River meridian, and North ½ of South ½ of Northeast ¼ of Southeast ¼ of such section.

(2) The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(b) CONDITION OF CONVEYANCE.—The conveyance made under subsection (a) shall be subject to the condition that the School District use the conveyed property for public school facilities and related public school recreational purposes.

(c) RIGHT OF REENTRY.—The United States shall retain a right of reentry in the property to be conveyed. if the Secretary determines that the conveyed property is not being used in accordance with the condition in subsection (b), the United States shall have the right to reenter the conveyed property without consideration.

(d) ENCUMBRANCES.—The conveyance made under subsection (a) shall be subject to all encumbrances on the property existing as of the date of the enactment of this Act.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3547, introduced by Mr. HAYWORTH, which would convey 30 acres of land on the Apache National Forest in Apache County, AZ to the Alpine Elementary School District. The school district needs the land to construct school facilities and related playing fields. The school district is willing to purchase the lands; however, the cost is prohibitive.

Eighty-five percent of Apache County is federally controlled land. As a result, school district budgets must rely heavily on their 25-percent share of receipts from national forest timber harvests, designation by law for local schools and roads. Unfortunately, appeals and litigation have halted all logging in Arizona, and as a result the Alpine Elementary School District's revenues have fallen sharply. Without this conveyance, the school district would not be able to afford to construct any facilities after acquiring the land.

H.R. 3547 stipulates that the land can only be used for school facilities. In addition, the school district will bear the costs of performing a survey to determine the exact acreage and legal description of the property.

The Subcommittee of National Parks, Forests and Lands amended H.R. 3547 to revise the acreage description and clarify the Federal Government's interest in the property. It was amended again by the Committee on Resources at the request of the administration to change the Federal interest to a right of reentry if the property is no longer used for public school facilities or related recreational purposes.

I urge the Members of the House to support the school children of Apache County by supporting Mr. HAYWORTH's reasonable bill, H.R. 3547. Once Congress enacts this legislation, the Alpine School District will have the ability to construct the school facilities that these children need and deserve.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

When this bill was originally introduced, there were some concerns, but the committee has amended the legislation to address those, to address those concerns, and we have no objection to this measure.

Mr. Speaker, H.R. 3547 would authorize the conveyance of certain national forest lands in

the State of Arizona to the Alpine Elementary School District 7 for use as a school and for school-related recreational facilities.

Although there were initially several concerns with the bill, H.R. 3547 was amended by the Resources Committee to address these issues. The changes made to the bill by the committee bring the bill in line with similar measures previously considered by the House. As a result we have no objection to this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 3547, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4018) to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

The Clerk read as follows:

H.R. 4018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

The Federal Oil and Gas Royalty Management Act of 1982 is amended as follows:

(1) In section 3(25)(B) strike the word ''provision'' and insert in lieu thereof the word ''provisions''.

(2) In the second sentence of section 115(l) insert the word ''so'' before the word ''demonstrate''.

(3) In the first sentence of section 111(i) insert the word ''not'' after the word ''shall''.

(4) In the first sentence of section 111(j) strike the word ''rate'' and insert in lieu thereof the word ''date''.

(5) In the third and fourth sentences of section 111(j) strike the word ''owned'' and insert in lieu thereof the word ''owed''.

(6) In the third sentence of section 111(k)(4) strike the word ''dues'' and insert in lieu thereof the word ''due''.

(7) In section 117(b)(1)(C) strike the word ''it'' and insert in lieu thereof the word ''its''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4018, a bill making technical corrections to the Federal Oil and Gas Royalty Management Act of 1982, as amended. This corrections bill is necessary because H.R. 1975, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, which we passed on July 16, 1996, in the House of Representatives and the Senate passed on August 2, contained typographical errors of commission and omission. H.R. 1975 amended the 1982 royalty management law. Senate Concurrent Resolution 70 was prepared and unanimously adopted in that body to instruct the House enrolling clerk to make the corrections to H.R. 1975, but the House had already recessed for the August district work period by the time that the other body had acted.

Working with administration officials, congressional leaders decided to send the uncorrected bill to the President for signature with the promise of a forthcoming corrections bill. Mr. Speaker, H.R. 4018 fulfills that obligation. I understand that the minority is in agreement with the technical corrections to law set forth in this bill, as is the administration. I urge my colleagues to pass the bill.

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

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California [Mr. DOOLITTLE] indicated, the administration is in favor of this bill before us on the basis of the technical corrections that are contained in it. I have a copy of the statement of the administration policy on that.

Mr. Speaker, as previously indicated, these are technical amendments to correct inadvertent errors in the royalty fairness bill that was enacted prior to the August recess. The bill was signed by President Clinton at a ceremony in Wyoming.

I want to make clear for other Members who may not be entirely familiar with the legislation that the technical amendments clarify the requirements and the provisions for Government paying interest on overpayments as well as addressing some typographical errors.

☐ 1445

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 4018.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESTORATION AND PRESERVATION ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1179) to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities, as amended.

The Clerk read as follows:

H.R. 1179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION.

(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the conditions that the grantee covenants, for the period of time specified by the Secretary that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING PROVISION.—Pursuant to section 108 of the National Historic Preservation Act, $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo University, Mississippi.

(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) HISTORICALLY BLACK COLLEGES.—The term ''historically black colleges and universities'' has the same meaning given the term ''part B institution'' by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) HISTORIC BUILDING AND STRUCTURES.—The term ''historic building and structures'' means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 1179, a bill authored by Mr. CLEMENT to authorize appropriations for preservation of significant historic buildings on the campuses of black colleges and universities.

This authorization provides statutory authorization of an initiative begun during the Bush administration by former Secretary of the Interior Manuel Lujan under which funding is provided from the historic preservation fund to preserve important historic buildings on the campuses of historically black colleges and universities. This program has been supported by Congress over the last few years through the appropriation process, where several million dollars has been provided annually.

Mr. Speaker, there are now over 800,000 buildings, sites, and objects on the National Register of Historic Places. Each year Congress appropriates $30–$40 million for historic preservation purposes; yet, unbelievably, virtually none of this money goes to fix up the many historically significant buildings around the country. Instead, these Federal funds go almost exclusively to studies, planning, and permitting. With this legislation, we are saying that some Federal funds will be directed to the bricks and mortar work of actually fixing up important historic buildings.

I commend the bill's authors, Mr. CLEMENT and Mr. DUNCAN for bringing this important bill forward, and urge all my colleagues to support it.

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

Mr. ABERCROMBIE. Mr. Speaker, H.R. 1179, as introduced by the gentleman from Tennessee [Mr. CLEMENT], authorizes appropriations for the preservation and restoration of historic buildings at historically black colleges and universities [HBCU's]. This is a worthy endeavor. Many of us supported similar legislation in the 103d Congress.

Many of the historic structures located on historically black colleges are threatened, and a significant effort is needed to preserve and protect them. The Department of the Interior, in cooperation with the United Negro College Fund has launched a project to preserve these structures. H.R. 1179 provides the necessary legislative authorization to carry out these important projects.

The Committee on Resources has held hearings in each of the last two Congresses on this legislative proposal. Each time we have heard moving testimony on the historic importance of many of these structures in furthering educational opportunities. Several of these historic buildings were constructed by the students themselves.

H.R. 1179 differs slightly from what we passed in the 103d Congress with several changes made to the bill during committee consideration. However, as indicated by the gentleman from California [Mr. DOOLITTLE], Members on both sides have worked to maintain broad bipartisan support for the legislation, and I think and I trust that all parties can be satisfied with the final product, and I urge approval of the bill at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank our fine gentleman from Hawaii [Mr. ABERCROMBIE], who does such a wonderful job for all of us representing this country and his State and district for yielding.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield, I did say that the gentleman from Tennessee [Mr. CLEMENT] could have such time as he wanted to consume; if he wants to pursue that particular line, he is allowed to do that.

Mr. CLEMENT. Mr. Speaker, I rise today in support of H.R. 1179. This legislation authorizes appropriations for the preservation and restoration of historic buildings of our Nation's historically black colleges and universities.

I wish to thank the Committee on Resources chairman, the gentleman from Alaska [Mr. YOUNG], and ranking member, the gentleman from California [Mr. MILLER], for facilitating this bill's arrival onto the House floor. In addition, I wish to thank my good friend and colleague, the honorable gentleman from Tennessee [Mr. DUNCAN] for his dedicated assistance in moving this legislation forward every step of the way.

In March 1995, I introduced H.R. 1179 with broad bipartisan support. It is a modest bill designed to help our historically black colleges and universities repair and preserve the history represented by the buildings on their campuses.

We have taken a fiscally responsible approach in this measure, significantly cutting back on our original monetary request to $29 million today.

As a former college president, I have a somewhat unique perspective on the needs of our schools. I understand how vanquishing these needs can strengthen our schools. I appreciate how restoring a school's vigor can revitalize the students, the faculty, the collective whole of the academic community.

Damage to our Nation's educational facilities should no more be tolerated than damage to our students who learn there. Did my colleagues ever live in a dorm room where moisture seeped through walls and ceiling? Did my colleagues ever attempt to learn a lesson in a classroom with faulty wiring, where sufficient lighting cannot be guaranteed?

Educators and students continually endure these conditions all around the country. Mostly, they deal with these crises on their own. But with limited resources, most institutions cannot hope to meet every demand.

Some of my colleagues may wonder why H.R. 1179 limits its scope to historically black colleges and universities.

As my colleagues know, our historically black colleges and universities have had a unique role in educating African-Americans. Racism in the mid-19th and early 20th centuries barred African-Americans from most higher education opportunities.

As a result, many colleges and universities devoted to educating African-Americans were established, predominantly in the South. Notwithstanding the creation of land-grant colleges under the 1890 Second Morrill Act, State and Federal Governments did not allocate sufficient land and financial resources to support these institutions.

Therefore, many of the schools came to rely on the generous support of private benefactors and charitable organizations. Many also came to rely on the sweat and tears of their own facility and students.

That is why H.R. 1179 is so necessary. We owe it to our historic institutions to provide a helping hand for their celebrated landmarks. We owe it to our students to help provide them with conditions most conducive to learning. We owe it to our country to ensure that we do not fail our children.

Mr. Speaker, when one walks on a college or university campus and it is run down, it is not up to par, they know that is a reflection on the institution. It keeps them from increasing the enrollment, and it also keeps a lot of people from contributing to those universities. But if one walks on a college campus, and it is an uplifting feeling to see that that physical, the physical structure, is in good shape and good condition, that is what we are trying to do. It will help raise private dollars where it will be a public/private venture for the future to help educate our people.

If we want to solve these problems in this country, I do not know of a better, easier way than to invest in education. If we do that, we can solve many of these problems that exist today and build and keep a strong middle class, which has been the backbone of the United States of America.

Mr. ABERCROMBIE. Mr. Speaker, I do not believe that there are any further statements from this side, so I will reserve the balance of my time at this time in case a Member comes.

Mr. DOOLITTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], a cosponsor of the bill.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding this time to me, and I rise in support of H.R. 1179, which was introduced originally by my colleague, the gentleman from Tennessee [Mr. CLEMENT], and I certainly commend him for his work on this project. The chairman and ranking member of the committee have been recognized, and I appreciate their support, but I also appreciate the support of the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks, Forests and Lands, who was also instrumental in this bill.

I am proud to be an original cosponsor of this bill, and I am proud of the work that we have done on it in the Committee on Resources. I supported this legislation because it benefits one of this Nation's most important resources, our historically black colleges and universities.

H.R. 1179 will provide matching grants for restoration and preservation of historic buildings on campuses of historically black colleges and universities.

During the 103d Congress almost identical legislation passed the House by a voice vote. Unfortunately, the bill did not make it to the President before the 103d Congress adjourned.

The major difference in this bill and the one passed in the 103d Congress is the cost. Mr. Speaker, we have reduced the cost of this legislation by $35 million over the legislation passed in the last Congress.

My family and I have been especially close to one historical black college which is specifically mentioned in this bill, Knoxville College. My father was a member of the Knoxville College board of trustees for many years, as was my mother. Knoxville College, along with other historical black colleges and black universities, has produced some of the best leaders, some of the finest leaders, we have in this Nation today. In fact, some of our past and present colleagues in the House have attended and graduated from historically black colleges and universities.

Mr. Speaker, if we want to ensure that minority individuals are trained and educated to make the maximum contribution to American society, it is in our self-interest to invest in institutions which prepare them for tomorrow's technological, educational, and commercial challenges.

This Nation needs black colleges and universities because they have produced and do produce some of the best and brightest in every field of endeavor. The investment called for in this bill is a very modest one, but a very wise one.

Most of our Federal money, Mr. Speaker, goes to our largest universities, most often State universities. The colleges that are helped by this bill are usually, for the most part, very small colleges, but not everyone in this country, not every student, belongs in a gigantic State university. Some students, many students, need the environment that a small college offers them, and I think this is very good legislation.

Mr. Speaker, I urge support for this legislation, and I urge my colleagues to support this legislation, and I urge that it be passed.

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

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, although I imagine, because of today's schedule, some who might have wanted to speak were not able to be here, and I presume their statements will be made at another point in the RECORD.

Mr. Speaker, I yield back the balance of my time on this bill.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 1179, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1500

NATIONAL MARINE SANCTUARIES PRESERVATION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3487) to reauthorize the National Marine Sanctuaries Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Marine Sanctuaries Preservation Act''.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of National Marine Sanctuaries Act (16 U.S.C. 1431–1445a).

SEC. 3. REAUTHORIZATION OF THE NATIONAL MARINE SANCTUARIES ACT.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

''SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this title—

''(1) $12,000,000 for fiscal year 1997;

''(2) $15,000,000 for fiscal year 1998; and

''(3) $18,000,000 for fiscal year 1999.''.

SEC. 4. MANAGEMENT, RECOVERY, AND PRESERVATION PLAN FOR U.S.S. MONITOR.

The Secretary of Commerce shall, within 12 months after the date of the enactment of this Act, prepare and submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a long-range, comprehensive plan for the management, stabilization, preservation, and recovery of artifacts and materials of the United States Ship Monitor. In preparing and implementing the plan, the Secretary shall to the extent feasible utilize the resources of other Federal and private entities with expertise and capabilities that are helpful.

SEC. 5. PUBLICATION OF NOTICE OF CERTAIN ADVISORY COUNCIL MEETINGS.

Section 315(e)(3) (16 U.S.C. 1445a(e)(3)) is amended by inserting before the period at the end the following: '', except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register''.

SEC. 6. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES.

(a) INCORPORATION OF EXISTING PROVISION.—Section 316 (16 U.S.C. 1445 note) is redesignated as section 317, section 2204 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5049) is moved so as to appear in the National Marine Sanctuaries Act following section 315, and that moved section is designated as section 316 of the National Marine Sanctuaries Act.

(b) AMENDMENT OF INCORPORATED SECTION.—Section 316, as moved and designated by subsection (a) of this section, is amended as follows:

(1) Subsections (a), (g), and (h) are struck, and subsections (b), (c), (d), (e), and (f) are redesignated as subsections (a), (b), (c), (d), and (e), respectively.

(2) In subsection (a), as so redesignated, the matter preceding paragraph (1) is struck and the following is inserted:

''(a) AUTHORITY.—The Secretary may establish a program consisting of—''.

(3) In subsection (a)(5), as so redesignated—

(A) ''establishment'' is struck and ''solicitation'' is inserted; and

(B) ''fees'' is struck and ''monetary or in-kind contributions'' is inserted.

(4) In subsection (a)(6), as so redesignated—

(A) ''fees'' is struck and ''monetary or in-kind contributions'' is inserted;

(B) ''paragraph (5)'' is struck and ''paragraphs (5) and (6)'' is inserted;

(C) ''assessed'' is struck and ''collected'' is inserted; and

(D) ''in an interest-bearing revolving fund'' is struck.

(5) In subsection (a)(7), as so redesignated—

(A) ''and use'' is inserted after ''expenditure'';

(B) ''fees'' is struck and ''monetary and in-kind contributions'' is inserted; and

(C) ''and any interest in the fund established under paragraph (6)'' is struck.

(6) In subsection (a), as so redesignated, paragraphs (5), (6), and (7) are redesignated in order as paragraphs (6), (7), and (8), and the following new paragraph is inserted after paragraph (4):

''(5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary's behalf;''.

(7) The following new sentence is added at the end of subsection (a), as so redesignated: ''Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual

national marine sanctuary shall be used to support that sanctuary.''.

(8) In subsection (e), as so redesignated—

(A) paragraph (2) is struck;

(B) in paragraph (1), ''(1)'' is struck, and subparagraphs (A), (B), (C), and (D) are redesignated as paragraphs (1), (2), (3), and (4); and

(C) in paragraph (3), as so redesignated, ''fee'' is struck and ''monetary or in-kind contribution'' is inserted.

(9) In each of subsections (b), (c), and (d), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (a)''.

SEC. 7. HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY.

(a) INCLUSION OF KAHOOLAWE ISLAND WATERS.—Section 2305 of the Hawaiian Islands National Marine Sanctuary Act (16 U.S.C. 1433 note) is amended—

(1) in subsection (a)—

(A) by striking ''(A)'' and inserting ''(a)''; and

(B) by striking ''the area described in subsection (b) is'' and inserting ''the area described in subsection (b)(1) and any area included under subsection (b)(2) are'';

(2) by amending subsection (b)(2) to read as follows:

''(2)(A) Within 6 months after the date of receipt of a request in writing from the Kahoolawe Island Reserve Commission for inclusion within the Sanctuary of the area of the marine environment within 3 nautical miles of the mean high tide line of Kahoolawe Island (in this section referred to as the 'Kahoolawe Island waters'), the Secretary shall determine whether those waters may be suitable for inclusion in the Sanctuary.

''(B) If the Secretary determines under subparagraph (A) that the Kahoolawe Island waters may be suitable for inclusion within the Sanctuary—

''(i) the Secretary shall provide notice of that determination to the Governor of Hawaii; and

''(ii) the Secretary shall prepare a supplemental environmental impact statement, management plan, and implementing regulations for that inclusion in accordance with this Act, the National Marine Sanctuaries Act, and the National Environmental Policy Act of 1969.''; and

(3) by amending subsection (c) to read as follows:

''(c) EFFECT OF OBJECTION BY GOVERNOR.—(1)(A) If, within 45 days after the date of issuance of the comprehensive management plan and implementing regulations under section 2306, the Governor of Hawaii certifies to the Secretary that the management plan, the implementing regulations, or any term of the plan or regulations is unacceptable, the management plan, regulation, or term, respectively, shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

''(B) If the Secretary considers that an action under subparagraph (A) will affect the Sanctuary in such a manner that the policy or purposes of this title cannot be fulfilled, the Secretary may terminate the designation under subsection (a). At least 30 days before that termination, the Secretary shall submit written notice of the termination to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(2)(A) If, within 45 days after the Secretary issues the documents required under subsection (b)(2)(B)(ii), the Governor of Hawaii certifies to the Secretary that the inclusion of the Kahoolawe Island waters in the Sanctuary or any term of that inclusion is unacceptable—

''(i) the inclusion or the term shall not take effect; and

''(ii) subsection (b)(2) shall not apply during the 3-year period beginning on the date of that certification.

''(B) If the Secretary considers that an action under subparagraph (A) regarding a term of the inclusion of the Kahoolawe Island waters will affect the inclusion or the administration of the Kahoolawe Island waters as part of the Sanctuary in such a manner that the policy or purposes of this title cannot be fulfilled, the Secretary may terminate that inclusion.''.

(b) LIMITATION ON USER FEES.—The Hawaiian Islands National Marine Sanctuary Act (16 U.S.C. 1433 note) is further amended by redesignating section 2307 as section 2308, and by inserting after section 2306 the following new section:

''SEC. 2307. LIMITATION ON USER FEES.

''(a) LIMITATION.—The Secretary shall not institute any user fee under this Act or the National Marine Sanctuaries Act for any activity within the Hawaiian Islands National Marine Sanctuary or any use of the Sanctuary or its resources.

''(b) USER FEE DEFINED.—In this section, the term 'user fee' does not include—

''(1) any fee authorized by section 310 of the National Marine Sanctuaries Act;

''(2) any gift or donation received under section 311 of that Act; and

''(3) any monetary or in-kind contributions under section 316 of that Act.''.

SEC. 8. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.

(a) MODIFICATION.—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102–251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) DEPICTION OF SANCTUARY BOUNDARIES.—The Secretary of Commerce shall—

(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) APPLICATION OF REGULATIONS.—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection shall take effect 45 days after the date of enactment of this Act.

(d) AREA DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled ''Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final'';

(B) labeled ''Stetson'' on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect living coral resources or to simplify administration of the Flower Garden Banks National Marine Sanctuary and to establish precisely the geographic boundaries of Stetson Bank. The adjustments shall not significantly enlarge or otherwise alter the size of the area described in paragraph (1), and shall not result in the restriction of oil and gas activities otherwise permitted outside of the ''no activity'' zone designated for Stetson Bank as that zone is depicted on the Minerals Management Service map entitled ''Final Notice of Sale 161, Western Gulf Mexico, Biological Stipulation Map Package''.

(e) PUBLICATION OF NOTICE.—

(1) IN GENERAL.—The Secretary of Commerce shall, as soon as practicable after the date of the enactment of this Act, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) TREATMENT AS NOTICE REQUIRED UNDER NATIONAL MARINE SANCTUARIES ACT.—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)(1)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Amounts may be appropriated to carry out this section under the authority provided in section 313 of the National Marine Sanctuaries Act, as amended by this Act.

SEC. 9. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Section 301(b)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1431(b)(2)) is amended by striking the period at the end and inserting a semicolon.

(b) Section 302 of the National Marine Sanctuaries Act (16 U.S.C. 1432) is amended—

(1) in paragraph (6) by striking '', and'' at the end of subparagraph (C) and inserting a semicolon; and

(2) in paragraph (7) by striking ''and'' after the semicolon at the end.

(c) Section 307(e)(1)(A) of the National Marine Sanctuaries Act (16 U.S.C. 1437(e)(1)(A)) is amended by inserting ''of 1980'' before the period at the end.

(d) Section 2109 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5045) is amended by striking the open quotation marks before ''Section 311''.

(e) Section 2110(d) of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5046) is deemed to have amended section 312(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(b)(1)) by inserting ''or authorize'' after ''undertake''.

(f) The material added to the Marine Protection, Research, and Sanctuaries Act of 1972 by section 2112 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5046)—

(1) is deemed to have been added by that section at the end of title III of the Marine Protection, Research, and Sanctuaries Act of 1972; and

(2) shall not be considered to have been added by that section to the end of the Marine Protection, Research, and Sanctuaries Act of 1972.

(g) Section 2202(e) of the National Marine Sanctuaries Program Amendments Act of 1992 (16 U.S.C. 1433 note) is amended by striking ''section 304(e)'' and inserting ''304(d)''.

(h) Section 304(b)(3) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)(3)) is amended—

(1) by striking subparagraphs (B) and (C);

(2) by moving the text of subparagraph (A) so as to begin at the end of the line on appears the heading for paragraph (3);

(3) by moving clauses (i) and (ii) of subparagraph (A) 2 ems to the left, so that the left margins of clauses (i) and (ii) are aligned with the left margin of paragraph (3);

(4) by striking ''(A) In'' and inserting ''In'';

(5) by striking ''(i)'' and inserting ''(A)''; and

(6) by striking ''(ii)'' and inserting ''(B)''.

SEC. 10. NORTHWEST STRAITS.

(a) NORTHWEST STRAITS MARINE RESOURCES PROTECTION ADVISORY COMMITTEE.—(1) There shall be established, within 120 days after the date of enactment of this subsection, the Northwest Straits Marine Resources Protection Advisory Committee, consisting of 11 members appointed by the Secretary of Commerce, at least 8 of whom are appointed in accordance with paragraph (2) and at least 1 of whom is appointed from each of the following counties in western Washington: Jefferson, San Juan, Island, Whatcom, Skagit, Snohomish, and Clallam. This Advisory Committee shall be exempt from the Federal Advisory Committee Act.

(2) The Secretary of Commerce shall appoint members of the Advisory Committee from a list of individuals submitted by each county specified in paragraph (1), in accordance with the following requirements:

(A) A county may not submit the names of individuals to the Secretary for appointment unless the county has determined that each individual, by reason of his or her occupational or other experience, scientific expertise, or training, is knowledgeable regarding the conservation and management, or the commercial or recreational harvest or use, of the marine resources of the Northwest Straits.

(B) Each list shall include the names and pertinent biographical data of not less than 3 individuals for each applicable vacancy and shall be accompanied by a statement by the county explaining how each individual meets the requirements under paragraph (1).

(C) The Secretary shall review each list submitted by a county to ascertain if the individuals on the list are qualified for the vacancy on the basis of the requirements under subparagraph (A). If the Secretary determines that no individual on a county's list is qualified, the Secretary shall notify the county in writing of that determination, and provide the county an explanation of that determination. The county shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individuals in question.

(b) ADVISORY COMMITTEE REPORT.—Within 1 year of the enactment of this Act, the Advisory Committee established under subsection (a) shall report to the Secretary of Commerce on the adequacy of existing marine resources protection under local, State, and Federal laws in the Northwest Straits. This report shall recommend whether a special resources management area is necessary to protect the marine resources of the Northwest Straits. If the Advisory Committee recommends that a special resources management area is necessary, then the report shall specify whether that area should constitute a non-Federal management area, a national marine sanctuary, or some other form. The Secretary shall make available to the Advisory Committee any staff, information, administrative services, or other assistance reasonably required to carry out its functions.

(c) SUBMISSION OF NORTHWEST STRAITS DRAFT ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Commerce shall not issue a draft Environmental Impact Statement under the National Environmental Policy Act of 1969 on a national marine sanctuary in the Northwest Straits until receipt of the report required under subsection (b). If the Secretary issues a draft Environmental Impact Statement, it shall include the Advisory Committee's recommendation as an alternative.

(d) SUBMISSION OF DOCUMENTS.—In the case of a national marine sanctuary in the Northwest Straits, on the same day the notice required by section 304(a)(1)(A) of the National Marine Sanctuaries Act is issued, the Secretary of Commerce shall submit the documents required by section 304(a)(1)(C) of the National Marine Sanctuaries Act to the Advisory Committee established under subsection (a) and shall publish notice of that submission in the Federal Register. The Advisory Committee shall then within 60 days review those documents and make recommendations to the Secretary regarding designation. Upon receipt of the recommendations of the Advisory Committee, the Secretary shall submit the documents required by section 304(a)(1)(A) of the National Marine Sanctuaries Act along with recommendations of the Advisory Committee to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) CONGRESSIONAL AUTHORIZATION OF DESIGNATION REQUIRE.—No designation of an area in the Northwest Straits as a national marine sanctuary under the National Marine Sanctuaries Act shall take effect unless that designation is specifically authorized by a law enacted after the date of publication of the notice of submission required under subsection (d).

(f) DEFINITIONS.—

(1) NORTHWEST STRAITS.—In this section the term ''Northwest Straits'' means the area generally described as the Washington State Nearshore area in the notice published by the Secretary of Commerce in the Federal Register on August 4, 1983.

(2) COUNTY.—In subsection (a)(2), the term ''county'' means each local elected legislative body that represents a county specified in subsection (a)(1).

SEC. 11. DESIGNATION OF GERRY E. STUDDS STELLWAGEN BANK NATIONAL MARINE SANCTUARY.

The Stellwagen Bank National Marine Sanctuary shall be known and designated as the ''Gerry E. Studds Stellwagen Bank National Marine Sanctuary''. Any reference in a law, map, regulation, document, paper, or other record of the United States to that national marine sanctuary shall be deemed to be a reference to the ''Gerry E. Studds Stellwagen Bank National Marine Sanctuary''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 3487, which was introduced on May 16 by the gentleman from California [Mr. FARR] and by me. I might say at this point, Mr. Speaker, that so often partisanship seems to be the byword around these chambers. In this case, partisanship, as far as I can determine, played no part whatsoever. The gentleman from California [Mr. FARR], and I and others worked together as Republicans and Democrats on a very amicable basis, and I believe produced a product which reflects that kind of bipartisanship.

We introduced this bill to reauthorize the National Marine Sanctuaries Act through the year 1999.

The National Marine Sanctuaries Act is implemented by the National Oceanic and Atmospheric Administration through the National Marine Sanctuaries Program. The mission of this program is to protect significant marine environmental and cultural resources while ensuring the continuation of all compatible public and private uses. To accomplish this, the program oversees a system of specially managed marine areas. These areas include highly valuable environmental and historical features.

Over the past 21 years 14 national marine sanctuaries have been designated off our Nation's shore, from Massachusetts to Florida to the Gulf of Mexico and Hawaii. Two more are active candidates for designation, one in the Great Lakes and one in the waters of Washington State.

H.R. 3487 authorizes funding for the National Marine Sanctuaries Program through the year 1999; directs the Secretary of Commerce to prepare and submit to Congress a long-range plan for management, recovery, and preservation of the U.S.S. *Monitor;* authorizes the Secretary to designate sponsors for the sanctuary program to create, market, and sell symbols and products to promote them; and designates that the money collected from those items sold at the sanctuary can be retained and used by that sanctuary.

This bill also adds Stetson Bank to the Flower Garden Banks National Marine Sanctuary in Texas; simplifies the designation process for a minor addition to the Hawaiian Islands Humpback Whale National Marine Sanctuary and prohibits user fees in that sanctuary; and establishes an advisory committee, and this was of special import to the gentleman from Washington, Mr. JACK METCALF, establishes an advisory committee on the Northwest Straits Sanctuary proposal, and requires congressional approval for designation of that sanctuary. These are small changes that will allow the system to operate more effectively and efficiently and to be more responsive to the public's concerns.

Finally, of special interest to me and to other members of the committee, H.R. 3487 renames the Stellwagon Bank National Marine Sanctuary in honor of our colleague, the gentleman from Massachusetts, GERRY STUDDS.

As many of my colleagues know, the gentleman from Massachusetts [Mr. STUDDS] has been a Member of the Congress for 24 years and has announced his retirement. The gentleman from Massachusetts [Mr. STUDDS] replaced Walter Jones in 2½, actually almost 4 years now as chairman of the Committee on Merchant Marine and Fisheries, and acted at that time as well as chairman of the Fish and Wildlife Subcommittee, and became the ranking

member of the Subcommittee on Fisheries, Wildlife and Oceans in this term under the auspices of the current committee setup.

I would just like to say also, Mr. Speaker, that were it not for the gentleman from Massachusetts, GERRY STUDDS, and his ideas and his enthusiasm and the effort that he has put into his committee work, many of the programs and projects that we have worked on on a bipartisan basis simply would not be. So it is because he was instrumental in getting Stellwagon designated as a sanctuary, and by naming it in his honor we recognize his outstanding leadership in marine protection efforts during the past two decades plus of years of service in the House.

We also reauthorize the National Marine Sanctuaries Act this year, and by doing so we will demonstrate our collective commitment to protecting and wisely managing our Nation's marine natural resources. Therefore, I urge a ''yea'' vote on H.R. 3487.

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

Mr. FARR of California. I yield myself such time as I may consume, Mr. Speaker.

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise in strong support of H.R. 3487. I want to thank the chairman, the gentleman from New Jersey [Mr. SAXTON], for the great bipartisan cooperation in which we have come to work together to produce this piece of legislation. This bill continues our subcommittee's success under his leadership in crafting a sound, bipartisan ocean policy.

When we first introduced this legislation, we had over 20 other original sponsors, equally divided between both sides of the aisle. We have worked hard in the spirit of close cooperation to resolve the problems we have faced in moving the bill through the subcommittee and the full committee. While it is a modest bill, this legislation will help the National Marine Sanctuary Program to continue as one of the most effective and most cost-efficient resource conservation efforts in America.

America's 13 marine sanctuaries are the national parks of our oceans. They celebrate and preserve some of the Nation's most significant ocean resources. Like our landbound national parks, our marine sanctuaries focus our attention on how important sound environmental stewardship is to our quality of life and to the quality of economies in our local communities.

In my own district, the Monterey Bay National Marine Sanctuary plays a central part in the recreational and economic lives of my constituents. The Monterey Bay National Marine Sanctuary embraces the entire coast of the central part of California. It is the largest protected marine area in the United States, second only to Australia's Great Barrier Reef in size. It encompasses more than 4,000 square nautical miles of open ocean along 350 miles of shoreline.

However, the marine sanctuaries are not just about conserving resources. They are also about protecting coastal economies. The Monterey Bay Sanctuary is key to my district's $1 billion tourism industry. Indeed, one of this Nation's premiere tourist attractions, the Monterey Bay Aquarium, is a thriving business that depends upon the extraordinary marine life of the Monterey Bay Sanctuary. It is also the nerve center of the world's largest concentration of ocean scientists, working in 12 diverse marine research facilities. Finally, the sanctuary supports a prosperous fishing industry.

All of this comes at a very modest cost. It is truly a bargain for our taxpayers. But, like all Government programs, the sanctuaries need to make the most of their funding. This bill helps them accomplish that by allowing sanctuaries to develop for the first time, trademark, and market logos and other merchandise to help supplement their funding.

Finally, Mr. Speaker, I want to recognize what was pointed out by the chairman, the gentleman from New Jersey [Mr. SAXTON], the work of our colleague, the gentleman from Massachusetts, GERRY STUDDS. Without a doubt, he is one of the most outstanding Members of this House. He has built the basis for American ocean policy as chairman of the former Merchant Marine and Fisheries Committee.

This bill recognize that contribution by renaming the Stellwagon Bank National Marine Sanctuary in his honor. It will now be known as the Gerry E. Studds Stellwagon Bank National Marine Sanctuary. We will miss his knowledge and wit, but we will forever remember his name and contribution to our committee and to this country.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, before I begin my remarks on the particular section of the bill that applies to Hawaii, I, too, would like to add my voice to the accolades that have been extended to the gentleman from Massachusetts [Mr. STUDDS].

Mr. Speaker, I first had the opportunity to listen, not to hear but to listen to the gentleman from Massachusetts [Mr. STUDDS], in 1986 when I had the good fortune to be elected in a special election to take up the remaining time of a Member of this body that had resigned to run for another office. In the brief time that I was here in 1986, I had the opportunity to participate in activities of the Merchant Marine and Fisheries Committee, and had the opportunity when I was elected in 1990 to again join that committee.

I say ''opportunity,'' because it was there that I, I am sure, had an experience that has been shared with many, many other Members of the House of Representatives, the chance to listen to and to observe and to absorb the perspective and analysis of ocean policy that was the forte of the gentleman from Massachusetts [Mr. STUDDS]. There are few people in this body, perhaps in the history of this body, better able to articulate their thoughts, particularly with respect to ocean policy, environmental policy.

I think Mr. STUDDS is universally respected for his intellect and for the depth of his perspective on these issues. As the gentleman from California [Mr. FARR] and the gentleman from New Jersey [Mr. SAXTON] have indicated, I doubt whether there is anyone in this body, including the renowned gentleman from Massachusetts [Mr. FRANK], who has a quicker wit, a brighter intelligence, a sense of himself entirely self-contained, as opposed to perhaps some others in this body, someone who understands his role and has illuminated many, many corners which would otherwise remain abstract and obscure to the rest of us.

It is always a lesson in oratory, I think, as well as perspective, to be able to listen to Mr. STUDDS outline for those of us who may not be entirely familiar with the legislation at hand, particularly in regard to the ocean, ocean policy, and fisheries, to be able to listen to him enumerate and elucidate for us on those areas, and come to not only a good understanding but solid commitment. I think that is why, as has been indicated, bipartisan support for so much in the way of ocean policy has been forthcoming, is because GERRY STUDDS has been able to articulate for all Members of the body not entirely familiar with the legislation exactly what it was about, exactly what the implications were, exactly what was in the national interest, and therefore was able to gain the approbation and good will of virtually every Member of the body for legislation that would otherwise be very difficult to comprehend.

I really wish him the very best in whatever it is that he will be doing, but I can say with assurance, Mr. Speaker, that this body will be the poorer for him taking leave of it.

Mr. Speaker, I rise today, then, to voice my support for H.R. 3487, the aforementioned National Marine Sanctuaries Preservation Act. I, too, wish to thank the gentleman from New Jersey [Mr. SAXTON] and others on the committee, both Republican and Democrat, who have worked so hard in this reauthorization. This bipartisan piece of legislation was introduced by the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR]. I think the description they gave of the process by which it has arrived here today is an exact one. It was a pleasure to work with both of them.

Hawaii is one of the 14 major areas where National Marine Sanctuaries, of which the prime objective is to protect our marine resources, have been designated and are in various stage of implementation. In fact, the final environmental impact statement/management plan on the designation of the Hawaiian Islands Humpback Whale Sanctuary is set to be released later this month.

In particular, H.R. 3487, thanks to the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR], contains two provisions specific to the Hawaiian Islands Humpback Whale National Marine Sanctuary Act regarding the designation of the waters around the Island of Kaho'olawe for inclusion in the sanctuary and the prohibition of the establishment of user fees in the sanctuary.

May I add parenthetically, Mr. Speaker, that this is a good example of the hard work and detailed work that had to go into this bill. I am sure the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR] would agree that virtually every one of the sanctuaries has unique capabilities and unique qualities that require particular individual attention, and the National Marine Sanctuaries Preservation Act is a prime example of how you have to suit legislation to the particular, and that you cannot put together a bill where one size will literally fit all. It cannot happen in this particular kind of legislation. The only way it can succeed is if you have Members who are willing to do their homework and be able to understand the particular necessities associated with each of the sanctuaries.

Mr. Speaker, these provisions, the ones I mentioned with regard to Kaho'olawe, were brought to the attention of the Hawaii delegation by State officials as a result of meetings with the Sanctuary Advisory Council. This council was established to empower local communities to provide advice and recommendations to the sanctuary manager on the development and continued management of the site.

Currently, the Hawaiian Islands Humpback Whale Sanctuary Act requires the Secretary of Commerce to make an annual finding concerning the suitability for the inclusion of the sanctuary of waters within 3 nautical miles of Kaho'olawe Island. However, the language included in H.R. 3487 provides that the Kaho'olawe Island Reserve Commission may request the Secretary of Commerce to include the waters surrounding Kaho'olawe into the sanctuary.

□ 1515

If a determination of inclusion is made, the Secretary will provide notice to the Governor of Hawaii and prepare a supplemental environmental impact statement and management plan and any necessary implementing regulations in accordance with the National Marine Sanctuaries Act, the Sanctuary, and the National Environmental Policy Act.

The Kaho'olawe provision puts the management of Kaho'olawe and the waters surrounding the island into the hands of the Kaho'olawe Island Reserve Commission. Furthermore, it protects the rights of the State of Hawaii and the Secretary to terminate inclusion of Kaho'olawe Island waters if the supplemental management plan, any implementing regulation or any term of the plan or regulation is unacceptable.

In 1992, the initial boundaries of the Hawaiian Islands Sanctuary Act were designated. However, the waters around the island of Kaho'olawe, which were previously used by the Department of Defense as a weapons range, was purposely excluded.

In 1993, the Governor of Hawaii signed an act which established and created the aforementioned Kaho'olawe Island Reserve Commission to oversee the departments and agencies of the State with respect to the management of the island reserve. It was further stipulated that the reserve shall be used solely and exclusively and reserved in perpetuity for the preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural, spiritual, and subsistence purposes; for the preservation and protection of the reserve's archaeological, historical, and environmental resources, rehabilitation, revegetation, habitat restoration, and preservation; and for education.

In 1994, a memorandum of understanding between the U.S. Department of the Navy and the State of Hawaii conveyed the island of Kaho'olawe back to the State.

The Department of the Navy in conjunction with the Kaho'olawe Island Reserve Commission has issued an informational draft request for proposals for the clean-up of Kaho'olawe. Issuance of the final RFP will occur after completion of the use plan for the island and several Navy-State agreements required by the Kaho'olawe memorandum of understanding.

The second provision regards the prohibition of user fees in the sanctuary. This language was included as a result of concerns expressed by the State regarding the potential impacts of the sanctuary on local communities; this in the context that I previously outlined with respect to native Hawaiian customs, et cetera. Specifically, the language states that the Secretary of Commerce shall not institute any user fee under the National Marine Sanctuaries Act for any activity within the Hawaii Islands National Marine Sanctuary or any use of the Sanctuary or its resources, again in the context previously enumerated.

Mr. Speaker, these two provisions will provide for the better management of the Hawaiian Islands Humpback Whale Marine Sanctuary. I most urgently ask all my colleagues to support H.R. 3487.

Mr. Speaker, may I again thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR] for their hard work on this bill.

Mr. FARR of California. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. STUDDS].

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

Mr. STUDDS. Mr. Speaker, I am more than a little embarrassed. No Member forewarned me of this.

I want to thank the gentleman from New Jersey with whom I have worked for more years than I can recall, the gentleman from California, and the gentleman from Hawaii for their extraordinarily kind words.

I must say I also sense the devious hand of the distant and mellow gentleman from Alaska in this. I suspect he is where he usually is, which is on his way.

We have worked together, DON YOUNG and I and the other Members here for the last few years, for a very long time. We worked in a committee for 22 years known as the Committee on Merchant Marine and Fisheries. I do not think in all those 22 years of the time that I served on that committee I ever heard a partisan observation except as sort of a lighthearted aside from one side or the other. I think we all understood no matter where we came from in the conventional political sense that what we were about was work that was far too important to be characterized by partisan exchanges and bitterness and that the things about which we were concerned transcended partisanship in every sense of the word, most particularly the sanctity of the marine environment.

The critters of the oceans and the sanctity of the ocean itself have nothing whatever to do and do not give much of a darn about whether we call ourselves Republicans, Democrats, independent or vegetarians. We all are dependent upon those waters, upon the air, and upon the Earth. I think it was that common understanding on that committee which brought together people as disparate, for example, as DON YOUNG and myself. I think, by any conventional political measurement, one would be hard pressed to find two Members as conventionally far apart politically ideologically in our conventional analyses of our voting records as DON YOUNG and myself, the plain-spoken riverboat captain from Fort Yukon and this kid from Cape Cod.

The fact of the matter is I think we astonished many people over the years by the closeness of our working, our personal relationship and our friendship, and it was I think because we both understood the Earth and the ocean because it was part intimately of our respective lives.

The same is true of the gentleman from New Jersey, the gentleman from California, and the gentleman from Hawaii who spoke embarrassing words. May I say that one would be hard

pressed to find something that would have meant more to me than Stellwagen Bank, which lies between Cape Cod and Cape Ann in Massachusetts. I remember the formal designation of the sanctuary 3 years ago standing beside Secretary of Commerce Ron Brown in Plymouth dedicating that sanctuary. I asked Secretary Brown whether he had ever actually met a whale and he confessed that he had not, it had not been really part of his portfolio before assuming the Commerce secretaryship. He promised me that he would go out on a whale watch and that I could introduce him personally to some of the humpbacks and white whales and other creatures of Stellwagen Bank.

One of his staff members took me aside a few moments later and said, ''He didn't mean a word of that. He doesn't like boats.'' So now unfortunately Ron will never have a chance to meet those creatures.

I must say, however, that several times during the last 3 weeks I have flown at a very low altitude over Stellwagen Bank, have had a chance to speak personally with those whales, and can relay to the gentleman from New Jersey, the gentleman from California and the gentleman from Hawaii the thanks of an awful lot of very large marine mammals for the work that you and we collectively have done over a long time here.

The richness and diversity of the marine life in Stellwagen is a symbol, I think, of why it is that we all came together in this endeavor. While I regret deeply and I suspect many others do and I think it was an institutional error of some magnitude to do away with the Committee on Merchant Marine and Fisheries precisely because of some of the sentiment and understanding and sort of earthy or oceanly, if that is a word, wisdom that we have heard here and on many occasions in the past and they way in which it has brought together individuals in an institution in a spirit of cooperation and legislative working together which has been sadly lacking in recent time, I think folks will look back, I hope, and remember that it is possible to be as different as some of the individuals in the Committee on Merchant Marine and Fisheries were and are and yet to work together in a very collegial and very collaborative and very constructive way on things that truly matter as opposed to so much of what it is that we spend our time here and our lives in general being concerned about.

So on behalf of the critters aforementioned and particularly on behalf of a very embarrassed me, I would like to thank the gentleman from Alaska, the gentleman from New Jersey, and my friends from California and Hawaii for their very kind words.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

I assure this gentleman from Massachusetts that his spirit and his concern and passion for sound ocean management and sound ocean policy will continue in this House under the leadership of the gentleman from New Jersey [Mr. SAXTON], myself, and others who serve on that committee. I want to thank the chairman for his good work as well.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

I would just like to once again express my appreciation for the many years of cooperation of GERRY STUDDS and hope that he will come back and visit us often and leave us with his words of wisdom from time to time.

One other thing that I would just like to say, Mr. Speaker, before yielding back the balance of my time. The gentleman from Washington [Mr. METCALF] played a particularly strong hand in one section of this bill which had to do with the establishment of a marine sanctuary in Puget Sound where we were able to again, on a bipartisan basis, agree on some very special provisions to protect the integrity of the local folks back in the 6 counties surrounding Puget Sound which guarantees that they will have a say in the establishment if and when that marine sanctuary is established. I thank everybody for their cooperation with regard to this measure, Mr. Speaker.

Mr. YOUNG of Alaska. Mr. Speaker, today we are considering H.R. 3487, the National Marine Sanctuaries Preservation Act. This bill was introduced by JIM SAXTON, chairman of the Subcommittee on Fisheries, Wildlife and Oceans.

H.R. 3487 reauthorizes the National Marine Sanctuaries Act and makes minor improvements to the National Marine Sanctuaries Program. The National Marine Sanctuaries Program oversees 14 National Marine Sanctuaries and is administered by the Office of Ocean and Coastal Resource Management in the National Oceanic and Atmospheric Administration.

H.R. 3487 will ensure ongoing protection and management for certain marine areas that are environmentally or historically significant.

This bill also renames the Stellwagon Bank National Marine Sanctuary as the Gerry E. Studds Stellwagon Bank National Marine Sanctuary. GERRY has long been a leading proponent in the House of the protection of the marine environment—most prominently when he served as chairman of the former Committee on Merchant Marine and Fisheries. Now that GERRY is leaving after 24 years of service, I believe this is a fitting tribute.

I would like to commend subcommittee chairman SAXTON for his leadership on the issue of marine sanctuaries, and I urge an ''aye'' vote on this measure.

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

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 3487, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WYOMING FISH AND WILDLIFE CONVEYANCE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3579) to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN PROPERTY TO WYOMING.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Wyoming without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the property commonly known as ''Ranch A'' in Crook County, Wyoming, consisting of approximately 680 acres of land including all real property, buildings, and all other improvements to real property, and all personal property including art, historic light fixtures, wildlife mounts, draperies, rugs, and furniture directly related to the site, including personal property on loan to museums and other entities, at the time of transfer.

(c) USE AND REVERSIONARY INTEREST.—

(1) USE.—The property conveyed to the State of Wyoming under this section shall be retained in public ownership and be used by the State for the purposes of—

(A) fish and wildlife management and education; and

(B) using, maintaining, displaying, and restoring, through State or local agreements, or both, the museum quality real and personal property and the historical interests and significance of the real and personal property, consistent with applicable Federal and State laws.

(2) ACCESS BY INSTITUTIONS OF HIGHER EDUCATION.—The State of Wyoming shall provide access to the property for institutions of higher education at a compensation level that is agreed to by the State and the institution of higher education.

(3) REVERSION.—If the property described in subsection (b) is not used for a purpose consistent with paragraphs (1) and (2), all right, title, and interest in and to the property shall revert to the United States. The State of Wyoming shall ensure that all property that reverts to the United States under this subsection is in substantially the same or better condition as at the time of conveyance to the State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SAXTON. Mr. Speaker, I appreciate the opportunity to discuss H.R. 3579, a bill to convey Ranch A to the State of Wyoming. This bill was introduced by our colleague, BARBARA CUBIN, on June 5 of this year. Under the terms of this bill, the Secretary shall convey property to the State, within 180 days of enactment and without reimbursement, all right, title, and interest in the property commonly known as Ranch A to be used for fish and wildlife management and education. The State of Wyoming is directed to allow access to the property for institutions of higher education at a rate of compensation mutually agreed upon. Furthermore, the proposal stipulates that the property will revert to the Federal Government if it is used for something other than the authorized purpose.

This is a noncontroversial and meritorious bill. I urge all Members to support it.

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

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I am aware of no objection to the bill at this time. Many concerns were raised about this legislation when it was first introduced, and several of those issues were addressed by the amendments in committee.

One issue, however, does remain outstanding. While there seems to be no disagreement over the transfer to the State of the buildings and facilities that compose the ranch itself, there is not agreement with respect to the transfer and future management of the surrounding land which totals, I think, about 680 acres. It is our understanding that the interested parties are continuing to work to address this disagreement and that the problem will be addressed in the other body when they consider this legislation. For that reason we do not object to the passage of this bill today.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that on both sides of the aisle there are a number of staff members who are here present today who have a lot to do from time to time and on an ongoing basis, as a matter of fact, with the fact that we are able to address matters on a bipartisan basis on the Committee on Resources. So I would just like to take this opportunity to thank them.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3579, a bill to transfer the property known as Ranch A to the State of Wyoming, was introduced by Congresswoman BARBARA CUBIN on June 5, 1996.

Ranch A consists of a lodge, a barn, and associated buildings and includes approximately 680 acres. The property is located in Crook County, WY, which is within Sand Creek Canyon and includes the headwaters of Sand Creek.

The Fish and Wildlife Service acquired the Ranch A property in 1963, but has had little, to no, oversight of the property since 1986. The Wyoming Department of Game and Fish currently manages the majority of the Ranch A property and, up until 1995, raised trout and transplanted the trout to waters around the State of Wyoming. Currently, there is limited game bird hunting, and a select area of Sand Creek is open to fishing. In addition, the South Dakota School of Mines and Technology has been using the facilities for educational purposes.

H.R. 3579 is similar to measures the House of Representatives has approved to transfer certain Federal fish hatcheries to non-Federal control, and it contains the standard language requiring that the property revert to the Federal Government, if it is used for something other than the authorized purposes, which in this case include fish and wildlife management and educational endeavors.

I urge my colleagues to support this noncontroversial piece of legislation and I compliment our distinguished colleague, BARBARA CUBIN, for her effective leadership on behalf of her Wyoming constituents.

Mrs. CUBIN. Mr. Speaker. I support the chairman's substitute to H.R. 3579, which will transfer property known as Ranch A to the State of Wyoming.

The changes that are incorporated in this amendment directly reflect those changes brought to me by the U.S. Fish and Wildlife Service during subcommittee hearings on this bill.

This bill is very important to Wyoming and anyone who enjoys the beauty of open spaces and historical buildings. Under the management of the Federal Government, the buildings at Ranch A have become run down and fallen into disrepair.

It is time for the State of Wyoming to become involved in the management of the buildings and the class one trout stream that runs through the property. The State management of the stream will continue to be the same quality that it has been for the past 16 years.

John Twiss, Superintendent of Black Hills National Forest, acknowledged the fact that the Forest Service could not afford to put any money toward restoration of the ranch's historical buildings. The Forest Service should not be in the business of restoring historical sites and spending much needed resources maintaining these buildings. The cost for the restoration is projected to be about $2 million.

The State of Wyoming is looking forward to and is committed to restoring and even making marked improvements to the facility by creating lodging for visitor groups and maintaining the historic significance of the ranch. Private donations brought about by the efforts of the Ranch A Restoration Foundation will give the State of Wyoming the ability to do restoration on the buildings without burdening the taxpayers of my home State.

As we all know, during this time of budget restraints and fiscal conservatism, it is not a good time for agencies like the Forest Service to begin acquiring property. These agencies already have difficulty managing what they have. The State of Wyoming is in a better position to manage the facility properly and will take in private donations to effectively do so. The ability of the Ranch A Restoration Foundation to acquire donations will increase when the facility is turned over to the State.

Even though the South Dakota School of Mines, and the State of South Dakota as a whole, will continue to use the facility they have not been committed to giving financial backing toward the restoration or acquisition of Ranch A. In fact, in a May 1995 letter, South Dakota Governor Bill Janklow acknowledged he had no desire to purchase the Ranch A facility and the South Dakota Game and Fish Department reached that same conclusion.

Since the facility is currently scheduled for disposal by the General Service Administration in the next few months, it is my hope this noncontroversial piece of legislation will move quickly through the House, along with a companion bill introduced in the Senate by CRAIG THOMAS, to assure a expeditious transfer of this property to the State of Wyoming.

Mr. Speaker, it is my desire and it is the State of Wyoming's desire to ensure that Ranch A is kept whole and in public ownership; this legislation does just that. H.R. 3579, with the USFWS amendments, ensures access to Forest Service land through the property and protects the blue ribbon fishery that the State of Wyoming holds very close to its heart.

Once again, thank you Mr. Speaker. I ask my colleagues to support H.R. 3579 and look forward to the passage of this legislation.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 3579, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on all bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WICKER) at 5 p.m.

THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3793) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 2. FINDINGS.

The Congress hereby finds the following:

(1) It is appropriate and timely to—

(A) honor the unique Federal republic of 50 States that comprise the United States; and

(B) promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage.

(2) The circulating coinage of the United States has not been modernized within the past 25 years.

(3) A circulating commemorative 25-cent coin program could produce earnings of $110,000,000 over the 10-year period of issuance and would produce indirect earnings of an estimated $3,400,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent.

(4) It is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of the title 31, United States Code, is amended by adding at the end the following new subsection:

''(k) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

''(1) IN GENERAL.—Notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning on January 1, 1997, shall have designs selected in accordance with this subsection which are emblematic of the 50 States.

''(2) SINGLE STATE DESIGNS.—The design for each dollar issued during he 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 the States.

''(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

''(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States which have not previously been commemorated during such period.

''(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year (of the 10-year period referred to in paragraph (1)), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

''(4) SELECTION OF DESIGN.—Each of the 50 designs required under this subsection for quarter dollars shall be—

''(A) selected by the Secretary after consultation with appropriate officials of the State being commemorated with such design and the Commission of Fine Arts; and

''(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) NUMISMATIC ITEMS.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such member of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(D) SALE PRICE OF COINS.—The coins issued under this paragraph shall be sold by the Secretary at a price equal to the sum of the face value of the coins and the cost of designating and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, profit, and shipping).

''(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).''.

SEC. 4. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) IN GENERAL.—Paragraph (4) of section 5135(a) of title 31, United States Code, is amended to read as follows:

''(4) TERMS.—

''(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

''(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.''.

(b) STAGGERED TERMS.—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of paragraph (3)(A) of section 5135 of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary of the Treasury, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary of the Treasury, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary of the Treasury, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) STATUS OF MEMBERS.—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of paragraph (3)(A) of section 5135 of title 31, United States Code, shall not be treated as special Government employees.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to suspend the rules and pass H.R. 3793, the 50 State Commemorative Coin Act. This bill honors the 50 States that make up our Federal Union of the United States of America, by producing a series of circulating quarter dollar coins that commemorate, in order, the entrance of each State into the Union.

As we approach the millennium, it is appropriate that we renew the bonds that make this country great. It exists today because the first 13 States joined together to ratify the Constitution and were later joined by 37 others to form a ''more perfect union.''

Beginning next year and for 9 more years until every State has been honored, five unique designs, each representing an individual State, will be issued at intervals of about 2 months. The completed set will represent in dazzling variety, the diverse history and culture of the States of the Union.

Each State, as the date of its coin issue approaches, will have the opportunity to provide input to the Mint and the National Fine Arts Commission on just what design elements best characterize its unique qualities. This legislation will provide winners all around:

The youth of America will be introduced to a fascinating hobby at minimal expense, as an entire set of 50 coins can be collected from pocket change at a total cost of $12.50.

Serious numismatic collectors will have the opportunity to acquire these coins by paying only the respective premiums for uncirculated versions or for silver replica editions; there will be no private surcharges added to the cost. Nevertheless, the estimated earnings from the silver coins alone is $110 million over the course of the program. This sum is scorable for budgetary purposes.

The Mint's experience from the last circulating commemorative issue, the bicentennial quarter of 1976–77, provides the basis to estimate what additional earnings will accrue to the Treasury from this program. The additional profit to the Treasury derives from the fact that each coin that is taken out of circulation by a collector will need to be replaced by another that will be used in vending machines, parking meters, and in normal commerce. The Mint's production schedule is demand driven. Increased production, estimated for this circulating

commemorative program at an additional 50 percent over baseline projections, will produce anticipated earnings on the order of over $3 billion for the total program. By Congressional Budget Office scoring convention, these earnings are off-budget and thus are not available to be spent by Congress. Instead, they will be applied directly to replace borrowing otherwise necessary to fund the national debt, saving taxpayers the interest on billions of dollars, in perpetuity, or until the debt is paid off, whichever comes first.

This bill is simple and straightforward. At our hearing last July, witnesses described the near unanimously favorable reception for this bill by the collecting community and the broader public. The numismatic franchise of the Federal Government is very valuable, but little has been done in recent times to nurture it and expand the market. This becomes a real problem when one realizes that the profile of the average collector is an upper middle class white male, over 50 years old. We are not creating new collectors to replace those who leave the hobby by whatever mechanism. This program would introduce a younger and more diverse population to the fascinating hobby of coin collecting. It will also teach about the history and diversity of this Nation through pocket change and I urge its immediate adoption.

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

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

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the Speaker for the expedited scheduling of what I believe is one of the more exciting events in the history of United States coinage. This afternoon also represents the continued rapport that Chairman CASTLE and I have had the pleasure of sharing during the past couple of years on the Subcommittee on Domestic and International Monetary Policy.

In introducing this bill, we have found at least four compelling policy reasons which suggest now is the time to introduce a series of circulating commemorative coins.

First in an era where fledgling democracies are struggling throughout the world, it is appropriate to honor and commemorate our 220th anniversary as a republic of 50 States.

Second, we have not modernized U.S. coinage in nearly 25 years.

Third, indirect savings of this program would save the U.S. Treasury an estimated $3.4 billion dollars plus interest over 10 years.

Fourth, the program would foster education about the 50 States in a family setting.

Beyond these issues, the circulating commemorative program for quarters, will among other things make management sense for the Mint. Chairman CASTLE and I produced a bill last year that would limit the number of noncirculating commemorative coins, and it is my understanding that the other body is moving forward with the bill. As many here may know, there has been a glut of commemorative coins over the past few years, and the mint and numismatic community have urged Congress to reduce the number of commemoratives. At the same time, we have been urged to authorize a circulating program. This program will strike a balance between the Mint's production capacity and the desire to create artistic collectible coinage.

In what better way could we create excitement in U.S. coinage? This program, as one witness in committee described it, would put pride back into our pockets. Pride would come from the fact that the public will become more aware of the rich history of U.S. coinage, which by the way, dates back to the 1790's.

We need look back no further than 1976, when we commemorated our Nation's bicentennial on the quarter. The bicentennial coins symbolically commemorated the people, places, events, and ideals which were the foundation of our great Nation. I expect that the 50 States Commemorative Coin Program Act will instill the same pride, and reflect similar values in each of our 50 States.

As I stated in July, my only reservation about this program is the fact that Mr. CASTLE'S State will be among the first commemorated under this program, while New York would have to wait until 1999. While Delaware put a new nation on the map in the 18th century, perhaps it is proper for New York to lead the way in commemorating our Nation in the last year of the 20th century. I say these words in jest, and with a sense of humor, since I expect that this program will foster a healthy amount of dignity among residents of the various States. Moreover, I believe this legislation will create an environment which all Americans can feel proud about not only in their home States, but the United States in general.

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

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman's comments about the relative coming to the States of Delaware and New York. I am proud to be from the First State, but I am proud that New York came along, too, and helped form the Union as well. So we congratulate them on that.

Mr. Speaker, I would like seriously to thank the gentleman for his tremendous cooperation on legislation throughout this 2-year cycle; we have been the chair and vice chair of this committee, and it has really been a great pleasure in working with him on so many, many things.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in strong support of H.R. 3793, the 50 States Commemorative Coin Program Act. This bill would change the image on our quarter to honor each of the 50 States. Each State's quarter would be minted in the order in which the State ratified the U.S. Constitution, and the pride of each State would be displayed on these coins that would memorialize them forever.

Money historically has been more than just a means to purchase goods and services. It reflects the pride and ideals of a country. It serves as a means to educate every person whose hand it touches about the history and heros of a nation. The image and artistry on coins are enjoyed by every walk of life, regardless of class, income, or race.

This redesigned quarter commemorating each of the 50 States will be no different. Each State will have the opportunity to provide input on the design elements of the quarter. The complete series will represent the diverse history and culture of each State in the Union. I believe this commemorative quarter will stimulate interest in our Nation's history, and its coins.

Besides the obvious benefits of this program, it will save money for the Government and the taxpayer. Like the bicentennial quarter, the 50 State series will be very popular with the public. Americans will keep these quarters allowing the Mint to produce more. It is estimated that the additional coins minted and held by the public will produce $3.4 billion in savings that the Government would otherwise have to borrow by issuing Treasury bonds. These savings will reduce interest on the debt by $1 billion over 10 years.

Although I will have to wait until the year 2006 before Oklahoma's quarter is minted, I look forward to honoring each State during the next decade. I encourage all Members to support this bill.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I would just like to use this time to commend by chairman, the gentleman from Delaware, MIKE CASTLE, for the wonderful relationship that we share with one another. It seems that there is not only comity as it relates to what we do legislatively; both of use were delayed today in our travels in getting here because of the weather. I think there is something in our spirit that allows us to work so well together. I certainly want to commend him and his staff for working so well and allowing my staff to work with them in the manner that we have.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I would again like to thank the gentleman from New York. He has to deal more with the weather problems because of flights. My problem is not a weather problem. I was announcing for reelection today and I got tied up doing that.

I appreciate the support that he has given to this legislation. I appreciate the support of the gentleman from Oklahoma and those who have been involved with this.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 3793, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3793, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 447, de novo; and

House Concurrent Resolution 120, de novo.

TOLL FREE CONSUMER HOTLINE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 447, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 447, as amended.

The question was taken.

Mr. CASTLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 9, answered ''present'' 1, not voting 56, as follows:

[Roll No. 402]

YEAS—367

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
LaFalce
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—9

Cooley
DeLay
Hancock
Hoekstra
Kolbe
LaHood
Sanford
Scarborough
Shadegg

ANSWERED ''PRESENT''—1

Barr

NOT VOTING—56

Andrews
Berman
Brown (FL)
Brownback
Bryant (TN)
Bunn
Buyer
Chapman
Chenoweth
Coburn
Collins (IL)
Crane
de la Garza
Dornan
Durbin
Engel
Ensign
Flanagan
Ford
Fowler
Frisa
Gallegly
Ganske
Gibbons
Hansen
Hayes
Johnson, Sam
Kaptur
Kingston
Klug
Lantos
Lightfoot
Lincoln
Longley
McCarthy
McKeon
Metcalf
Millender-McDonald
Minge
Nadler
Norwood
Pastor
Portman
Ramstad
Rogers
Rohrabacher
Royce
Rush
Tanner
Torricelli
Towns
Waters
Williams
Young (AK)
Zeliff
Zimmer

□ 1740

Messrs. DELAY, HANCOCK, SANFORD, and COOLEY of Oregon changed their vote from ''yea'' to ''nay.''

Mr. THORNBERRY changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because inclement weather delayed my return flight from my district, I was not in attendance for one recorded vote, rollcall vote No. 402.

Had I been in attendance, I would have voted ''yea'' on rollcall vote No. 402.

PERSONAL EXPLANATION

Ms. MCCARTHY. Mr. Speaker, during rollcall vote No. 402 on H.R. 447 I was unavoidably detained due to flight delay. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. BROWNBACK. Mr. Speaker, I was unavoidably detained due to the inclement weather at the airport earlier today, but had I been here I would have voted "yea" on rollcall vote 402.

UKRAINE INDEPENDENCE

The SPEAKER pro tempore (Mr. WICKER). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 120, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 120, as amended.

The question was taken.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 1, answered "present" 1, not voting 49, as follows:

[Roll No. 403]

AYES—382

Abercrombie	Chabot	Ewing
Ackerman	Chambliss	Farr
Allard	Christensen	Fattah
Archer	Chrysler	Fawell
Armey	Clay	Fazio
Bachus	Clayton	Fields (LA)
Baesler	Clement	Fields (TX)
Baker (CA)	Clinger	Filner
Baker (LA)	Clyburn	Flake
Baldacci	Coble	Foglietta
Ballenger	Coleman	Foley
Barcia	Collins (GA)	Forbes
Barrett (NE)	Collins (MI)	Fox
Barrett (WI)	Combest	Frank (MA)
Bartlett	Condit	Franks (CT)
Barton	Conyers	Franks (NJ)
Bass	Cooley	Frelinghuysen
Bateman	Costello	Frost
Becerra	Cox	Funderburk
Beilenson	Coyne	Furse
Bentsen	Cramer	Gejdenson
Bereuter	Crapo	Gekas
Bevill	Cremeans	Gephardt
Bilbray	Cubin	Geren
Bilirakis	Cummings	Gilchrest
Bishop	Cunningham	Gillmor
Bliley	Danner	Gilman
Blumenauer	Davis	Gonzalez
Blute	Deal	Goodlatte
Boehlert	DeFazio	Goodling
Boehner	DeLauro	Gordon
Bonilla	DeLay	Goss
Bonior	Dellums	Graham
Bono	Deutsch	Green (TX)
Borski	Diaz-Balart	Greene (UT)
Boucher	Dickey	Greenwood
Brewster	Dicks	Gunderson
Browder	Dingell	Gutierrez
Brown (CA)	Dixon	Gutknecht
Brown (OH)	Doggett	Hall (OH)
Brownback	Dooley	Hall (TX)
Bryant (TX)	Doolittle	Hamilton
Bunn	Doyle	Hancock
Bunning	Dreier	Harman
Burr	Duncan	Hastert
Burton	Dunn	Hastings (FL)
Callahan	Edwards	Hastings (WA)
Calvert	Ehlers	Hayworth
Camp	Ehrlich	Hefley
Campbell	English	Hefner
Canady	Eshoo	Heineman
Cardin	Evans	Herger
Castle	Everett	Hilleary
Hilliard	McIntosh	Schiff
Hinchey	McKinney	Schroeder
Hobson	McNulty	Schumer
Hoekstra	Meehan	Scott
Hoke	Meek	Seastrand
Holden	Menendez	Sensenbrenner
Horn	Meyers	Serrano
Hostettler	Mica	Shadegg
Houghton	Miller (CA)	Shaw
Hoyer	Miller (FL)	Shays
Hunter	Mink	Shuster
Hutchinson	Moakley	Sisisky
Hyde	Molinari	Skaggs
Inglis	Mollohan	Skeen
Istook	Montgomery	Skelton
Jackson (IL)	Moorhead	Slaughter
Jackson-Lee (TX)	Moran	Smith (MI)
	Morella	Smith (NJ)
Jefferson	Myers	Smith (TX)
Johnson (CT)	Myrick	Smith (WA)
Johnson (SD)	Neal	Solomon
Johnson, E. B.	Nethercutt	Souder
Johnston	Neumann	Spence
Jones	Ney	Spratt
Kanjorski	Nussle	Stark
Kaptur	Oberstar	Stearns
Kasich	Obey	Stenholm
Kelly	Olver	Stockman
Kennedy (MA)	Ortiz	Stokes
Kennedy (RI)	Orton	Studds
Kennelly	Owens	Stump
Kildee	Oxley	Stupak
Kim	Packard	Talent
King	Pallone	Tate
Kleczka	Parker	Tauzin
Klink	Paxon	Taylor (MS)
Knollenberg	Payne (NJ)	Taylor (NC)
Kolbe	Payne (VA)	Tejeda
LaFalce	Pelosi	Thomas
LaHood	Peterson (FL)	Thompson
Largent	Peterson (MN)	Thornberry
Latham	Petri	Thornton
LaTourette	Pickett	Thurman
Laughlin	Pombo	Torkildsen
Lazio	Pomeroy	Torres
Leach	Porter	Towns
Levin	Portman	Traficant
Lewis (CA)	Poshard	Upton
Lewis (GA)	Pryce	Velazquez
Lewis (KY)	Quillen	Vento
Linder	Quinn	Visclosky
Lipinski	Radanovich	Volkmer
Livingston	Rahall	Vucanovich
LoBiondo	Rangel	Walker
Lofgren	Reed	Walsh
Longley	Regula	Wamp
Lowey	Richardson	Ward
Lucas	Riggs	Waters
Luther	Rivers	Watt (NC)
Maloney	Roberts	Watts (OK)
Manton	Roemer	Waxman
Manzullo	Rogers	Weldon (FL)
Markey	Ros-Lehtinen	Weldon (PA)
Martinez	Rose	Weller
Martini	Roth	White
Mascara	Roukema	Whitfield
Matsui	Roybal-Allard	Wicker
McCarthy	Sabo	Wilson
McCollum	Salmon	Wise
McCrery	Sanders	Wolf
McDade	Sanford	Woolsey
McDermott	Sawyer	Wynn
McHale	Saxton	Yates
McHugh	Scarborough	Young (FL)
McInnis	Schaefer	

NOES—1

Jacobs

ANSWERED "PRESENT"—1

Barr

NOT VOTING—49

Andrews	Flanagan	McKeon
Berman	Ford	Metcalf
Brown (FL)	Fowler	Millender-McDonald
Bryant (TN)	Frisa	
Buyer	Gallegly	Minge
Chapman	Ganske	Murtha
Chenoweth	Gibbons	Nadler
Coburn	Hansen	Norwood
Collins (IL)	Hayes	Pastor
Crane	Johnson, Sam	Ramstad
de la Garza	Kingston	Rohrabacher
Dornan	Klug	Royce
Durbin	Lantos	Rush
Engel	Lightfoot	Tanner
Ensign	Lincoln	Tiahrt
Torricelli	Williams	Zeliff
	Young (AK)	Zimmer

☐ 1758

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LIGHTFOOT. Mr. Speaker, I was not able to be present for the votes taken on H.R. 447 and House Concurrent Resolution 120. Had I been present I would have voted "aye" on both measures.

PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, I rise to express my support for H.R. 447, the bill to establish a toll free number to assist consumers in determining if products are American made, and House Concurrent Resolution 120, in support of the independence of sovereignty of Ukraine and the progress of its political and economic reforms.

Due to a delayed flight because of inclement weather, I was unable to be here for roll call votes number 402 and 403. But had I been here I would have voted in favor of the above bill and concurrent resolution.

☐ 1800

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. WICKER). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following members are recognized for 5 minutes each.

THE PRESIDENT MADE THE RIGHT DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today and yesterday was the beginning of a new school year for many of this Nation's children. I would imagine as they entered the schoolhouse doors, they were looking forward to an exciting new year of education and inspiration. Sad as it is, in the backdrop of them going to school and those in my 18th Congressional District, was the fact that this Nation was poised in an act of conflict with Saddam Hussein.

Many of my constituents as I left for Washington again expressed their extreme concern, the concern that we would enter into circumstances that might cause us to be involved in a conflict many, many miles away from our land.

As I read the USA Today, it was very telling to understand in Arabic that Saddam's name means "the one who

confronts,'' and that maybe for 59 years of his life, that is exactly what this leader of Iraq has done.

This time, maybe he has not acted to invade a nation, as he did with Kuwait, but to reassert his authority over a part of Iraq. In any event, he rises to assert his power over those who would not want it.

I think it is important to be able to congratulate and to thank the President for his measured, but pointed, response. As the Presidential race continues and politics become intertwined with government, I think it is important Republicans and Democrats alike should recognize what the responsibility of America is all about. That is that, if we enter into any conflict where we offer our men and women in the Armed Forces, we do it with caution, with seriousness, with understanding.

Mr. Speaker, I am gratified that the captain of the B–52 bomber was from Texas and that their initial mission was successful and that they were able to make the pointed determination as ordered by the Chief of our command, President Clinton, but as well they were able to come away with American lives not lost.

It is important to know that the President did not hastily decide to send Americans in, nor has he committed ground troops to that action. But what he has done is continue to study the issue and to continue to be on top of the issue and to assure us that he will act on behalf of all Americans.

Mr. Speaker, it is important to recognize that the Bosnian decision that was made after some of us had the opportunity to visit Bosnia, the former Yugoslavia and Croatia, was one of peace, to ensure that the Serbs and Muslims would not fight anymore, and those who wanted to come home could come home. Although it has not been perfect, I again thank the President for his measured response and his commitment to peace.

To my constituents let me say that it is important, now that we have gathered here in Washington, that we not raise our voices in political rhetoric, that we monitor this situation, that we be concerned about the Kurds and their desire for peace, that we recognize that this is an internal conflict, but it is led by a man who wants to confront. It is important that we try and minimize any loss of life of American men and women, that we do our very best to enforce the principles of democracy of this Nation, and that we recognize the leadership role that we have, both in foreign policy and creating an atmosphere of peace in this world.

I ask the President in his wisdom and his leadership that he continue to keep the Congress apprised of the leadership that is needed for us to go forward and do the right thing. Then I would ask those of us who gather in the U.S. Congress to be supportive where it is necessary, and as well to be questioning on behalf of our constituents. But this is the right decision, and we must stand on behalf of democracy and fairness and the saving of lives.

Mr. Speaker, I thank the men and women who are part of our Armed Forces, who are always faithful, always strong, always committed.

DEVELOPMENTS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it has been a hectic August recess this year, Mr. Speaker, so as we return I want to take a moment to make my colleagues aware of some of the recent disturbing developments in Haiti.

It would be very easy indeed to miss these things because no one—neither the media nor the White House—seems interested in making a concerted effort to analyze what is going on in that small Caribbean nation. Although, behind the scenes we understand that Haiti is hosting a high level cast of characters from the administration—National Security Advisor Anthony Lake, Joe Sullivan from the Haiti Working Group, Janet Reno our Attorney General, General Sheehan of the Atlantic Command and even Strobe Talbot himself. With them, we understand, goes an additional $10 million for the beleaguered Haitian National Police Force—we are certainly all anxious to know which account it came from.

Then there is another gift for the national police in the form of a contingent of Marines who went last week for yet another training mission—this time protecting the U.S. Embassy in Haiti. We can almost certainly expect to see more of these training exercises—muscle-flexing, if you will—for the next few months.

What specifically are my colleagues and I so concerned about? The few reports we have seen in recent weeks tell a tale of assassination plots, political killings, threats against the Haitian media community, and general civil unrest. On August 19, 20 men, suspected to be members of Haiti's disbanded military, attacked the National Palace and police headquarters in Port-au-Prince. One report in the Washington Times said that the attackers ''nearly overran police headquarters.''

There are strong suggestions that the right may be once again formalizing its structure and that the left may be involved in payback killings against those who ran Haiti during the Cedras era.

In fact, Evans Paul, once mayor of Port-au-Prince and respected head of the FNCD Party in Haiti, publicly issued an accusation on August 22 that the government of Rene Preval is responsible for the assassinations of right-leaning Minister Antoine Leroy and Paul Florival in Port-au-Prince August 20. He made the bold—and dangerous statement—that in practice ''There are no differences between the Lavalas group and the 'Macoutes' '' Because both use the same methods. We only hope that Mr. Paul won't pay for exercising his freedom to speak with his life.

Finally, in recent days, we have seen allegations that members of the National Palace Security Force have been involved in criminal activities.

Mr. Speaker, clearly something is seriously wrong in Haiti. When, can we ask, will the White House come clean, stop glossing over the rough spots, stop calling this a success, and put some meat on the bones of this anemic effort. After spending $3 billion in taxpayers' money, the American people and the American Congress expect and demand better.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESERVING PROTECTING AND ENHANCING MEDICARE

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I come to the well of the House tonight to speak about a very important topic to all Americans, and that is the preservation, the protection and enhancement of Medicare.

Medicare is the important healthcare program for our senior citizens, and the President's trustees not long ago told us if we do nothing to improve Medicare's financial stability, by the year 2001 it will be out of business. So we in the House and Senate, as well as the President, need to work together to make sure we preserve and protect Medicare.

You may say to yourself, how did we get to this point? We have $30 billion a year in fraud, waste and abuse by providers; not all providers, but some providers, whether it be doctors, hospitals, or insurance companies, have led us to a $30 billion a year figure of fraud, waste and abuse.

So, Mr. Speaker, the majority party has introduced legislation which we hope will be eventually passed, which will in fact clue for the first time healthcare fraud as a crime, so that those who would systematically and regularly bilk the Federal Government through Medicare fraud, waste and

abuse, would in fact be eligible for a 10 year jail term and lose their rights as providers.

Further items in this reform legislation would include reducing our paperwork cost. Twelve percent of Medicare now goes to paperwork. We can reduce that with electronic billing to just 2 percent.

Further, on medical education, very important medical education for our interns and residents at teaching hospitals, it is a program that should be supported. Maybe it should not be part of the Medicare Program, but it should be part of the Federal Government's allotment of funds, so teaching hospitals continue to have the finest education and doctors turned out of medical schools so we can make sure that we have the education we need, but not as part of Medicare. Medicare should be for our senior citizens' health care.

□ 1815

Another provision of the bill is for the Medicare lockbox. Any savings we get from fraud, waste and abuse would in fact go to health care for our seniors.

Finally, the legislation proposed would make sure that we in fact have options. We would retain the fee-for-service choice of doctor and choice of hospital for every senior across the country, but also give them the option of having managed care Medicare to include eyeglasses and pharmaceuticals for the healthiest of seniors, and also medical savings accounts under Medicare which would give them the chance to invest the money they want to their health care and have the extra dollars they keep be rolled over to the following year when they might need the funds more.

So, Mr. Speaker, I think it is very important that we as Republicans and Democrats work together to save Medicare for our seniors, for this generation of seniors and the next, to make sure that health care is there and Medicare is there and we do so in the proper way for the protection of all our senior citizens.

MEDICARE SCARE

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I come to the well tonight fresh off of 30 days of recess that included a week of vacation with my children and about 3 or so weeks with my constituents. And it is with a great deal of sorrow and disappointment, Mr. Speaker, that I have to report to you that there is a dark occurrence happening in many parts of America right now where a fraud is being perpetrated on people who are vulnerable, people who are sometimes more gullible than maybe many in the population, and people who can be preyed upon by appealing to real anxiety that turns into the exploitation of fear when, instead of being truthful, what is happening is that those individuals are being pushed into believing something that is simply not the case.

Mr. Speaker, what I am speaking about, what I am talking about is a very, very expensive, well thought out, well produced, calculated demagogic ad campaign that is designed to persuade senior citizens in our country that this Congress is trying to not only cut but gut Medicare and destroy the safety net, the health care safety net for senior citizens. It is an ad campaign that is not only well done, well thought out and well produced and absolutely blatantly demagogically false, but it is also being paid for in a way that those who are being forced to pay for it do not even approve and do not want it to exist.

I am talking about the fine working men and women of local AFL–CIO affiliates, several of which I have been personally endorsed by. I am talking about the use of funds that are being mandatorily taken out of paychecks to fund politically motivated ad campaigns that distort and completely falsify the facts.

The facts are, as Mr. FOX was speaking earlier, quite simple. That is that Medicare is going broke. Medicare is going broke. Medicare is going broke. How do we know that? We know that because the Medicare trustees have said it. Who are the Medicare trustees? Three of them are members of the President's own cabinet. Another is a political appointee, and two are individual citizens. And they say Medicare is going broke.

What is the responsible response? What is the right response? What would be the correct response that you, Mr. Speaker, or the citizens of this country would want to see from its legislators?

It seems to me that the responsible way to deal with that is to look at the problem, face it clearly and do what is right to fix it. That is exactly what we have done. In fact, not only has this Congress done that, but with a different set of policy statements the President has done the same thing.

It boils down to slowing the rate of growth. It is pretty simple. Instead of growing at 10 percent a year, it has to grow at about 6.5 or 7 percent a year. Yet this is being used for political purposes to frighten senior citizens into believing that this Congress is trying to destroy Medicare.

Mr. Speaker, the one thing that this Republic cannot tolerate, the one thing that this Republic cannot stand is blatant exploitative, manipulative lying in the political process. That is what is happening by this ad campaign financed by the AFL–CIO.

It is wrong. It is not voter education. It is voter disinformation. It should stop. I just hope and trust that the citizens will not be swayed nor fooled by it.

ENGLISH THE OFFICIAL LANGUAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, on August 1 this Congress finally began to show as much sense, common sense, as the American people by overwhelmingly passing our bill to make English the official language of the United States. Make no mistake about this, this was an historic accomplishment. For the first time in over two decades, Congress has taken a concrete step toward cementing our national unit by reinforcing our most important common bond, the English language. After 25 years of Great Society social experimentation, we are finally starting to reverse the tide.

That historic vote was cast on the 1st of August, the first step toward returning to a commonsense policy of promoting American unity by promoting the teaching and learning of English. But the battle has just begun. There is still so much left to be done, starting with the Senate.

Acting on the bill that we passed here in the House, we now ask the Senate to pass this legislation and send it onto the President for his signature. Frankly, I know that President Clinton will sign this bill. The overwhelming majority of the American people support making English our official language. I do not believe that the President wants to alienate a large segment of the electorate just 60 days before the election.

When push comes to shove, Bill Clinton will sign that bill. And as he did when he was Governor of Arkansas, the President should sign this bill, not only because it has certain political advantage that it confers on him. He should sign it because this is the most important piece of legislation this Congress and his administration will consider.

Mr. Speaker, we have witnessed events recently that have testified to the fragility of nations: the sundering of the Soviet Union, the breakup of Yugoslavia, the near divorce between Quebec and the rest of Canada. Secessionist tides are rising all across Eastern and even Western Europe. All these incidents share a common thread. The thread, incidentally and ironically enough, is the unraveling of national unity across the world today. The twin forces of nationalism and tribalism are plunging nations into a separatism spiral, and the United States is not immune.

America is the most diverse Nation in the history of the world. We are a people from every corner of the globe. We represent every culture, every language, every religion, every difference imaginable. The last census, for example, indicated that over 320 languages are spoken in our schools, cities, and communities. Do not think for a second that this Nation can avoid the fate

that has been fallen other multicultural, multi-ethnic nations. If we have averted their fate so far, it is no small thanks to our common language, our common glue, our commonality, the English language.

As Winston Churchill said, the common language is a nation's most priceless inheritance, and when we pass on, this Nation, our traditions and our values, on to those people who are following us, passing on a common language is our Nation's most priceless inheritance that we can pass on. At the dawn of the 21st century, Churchill's observation, as usual, could not be more true. A common language is now more important than perhaps ever before.

My friends, we cannot stand idly by and hope that the global forces of separatism will pass us by. That is like closing our eyes and praying that a hurricane will suddenly veer off and project a different path and spare our town. We need to steel our national resolve to the storm and solidify the ties that bind us together as a nation.

I know the majority of the people in this body have demonstrated on August 1 that they truly believe that English as our official language is the right course. I ask Members to join me once again in a continuation of that struggle and urge the Senate to take up this bill and finish the job. It is true we stop depending on divine intervention to spare our Nation from separatist forces. We have an obligation as leaders to the American people and to our posterity. Let us send a clear message and signal to our colleagues in the Senate to make English our official language.

CITIZEN CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the majority leader.

Mr. PALLONE. Mr. Speaker, I wanted to take the floor tonight and address my colleagues over the fact that over the past month, essentially since we adjourned on August 2 for the 3- or 4-week district work period, I had the opportunity to have a number of forums, both general forums with my constituents or specific forums or town meetings on the senior issues, on environmental issues, and also on education issues. What I heard over and over again from my constituents was that they were very upset and they were very much opposed to the Republican leadership agenda that we have seen in the Congress over this last session now almost 2 years.

What my constituents were telling me over and over again was that they did not want to cut Medicare. They did not want to cut Medicaid. They did not want to see massive cuts in higher education programs, and they certainly did not want to turn the clock back on the last 25 years of environmental protection that has been implemented by this Congress and by presidents on a bipartisan basis.

My constituents could not have been any louder or any clearer on this issue. They felt very strongly that the Republican leadership, in this case Speaker GINGRICH and the rest of the Republican leadership, have the wrong priorities, that when it comes to balancing the budget and when it comes to the priorities that have to be implemented in order to balance that budget, that Medicare, Medicaid, education, and the environment were not the areas where cuts should be made.

Essentially what I was getting was the impression that the Gingrich Congress, if you will, is out of touch with the American people and their concerns. I just wanted to review, because I think many times now we are getting very close to the election and a lot of times the public hears things that are very different from the actions that have been taken in this Congress by the Republican leadership in the last 2 years.

I just want to remind my colleagues about some of the initiatives that we have seen in this 104th Congress. We have seen an unprecedented Republican record of voting for extreme cuts in Medicare, Medicaid, education, and the environment essentially to finance tax breaks for the wealthy.

Since the Speaker NEWT GINGRICH, first pounded the gavel in January 1995, Medicare has essentially been under siege in this Congress. The Gingrich Congress again and again has tried to destroy Medicare, threatening to inflict major hardships on millions of senior citizens and their families. Also this has been the biggest anti-education Congress in history.

□ 1830

The Gingrich Congress has continually gone after education funding as a piggy bank, again for their tax breaks for the wealthy, targeting student loans in particular. What I was hearing from my constituents at the various forums that I had was that right now the cost of higher education is prohibitive, and whether you are going to a public school, public university or a private college or university, the costs continue to skyrocket. The only way that most Americans, that the average middle class American, can afford a college education today is if they have some combination of scholarship or grant or student loan or work-study program, and yet what we have seen here is the Republican leadership constantly go after those very student loan programs or those very Federal grant programs or even the work-study programs that make it possible for many people, most people, if you will right now, to go and to continue with their higher education.

And essentially, if the Gingrich Congress gets its way, students and their parents would pay thousands of dollars more for a college education at a time when tuition is already spiraling out of reach for many working families. So either they are going to pay more or they are not going to be able to afford to go to college or to graduate school, and they simply forgo that because they will not be able to get the help that is now afforded by the Federal Government.

On the environment, basically the Gingrich Congress rolled into town in January 1995 determined to roll back major environmental protections in order to pay back the special interest polluters who finance their campaigns. What we saw was that from the very beginning the polluters were sitting down with the Republican leadership at the table and writing, or rewriting if you will, environmental laws.

I do not think that is in the best interests of America's families. Obviously, people feel very strongly that they should be able to breathe clean air, drink clean water and eat safe food, and rolling back the environmental protections, which we have seen put in place on a bipartisan basis by Congress for the last 25 years since Earth Day, is clearly not the way that my constituents, and I think that most Americans, feel that we should be going.

Let me just give you an example. You know one of the things that we keep hearing is that this Congress has changed, that somehow the Republican leadership now understands that they cannot roll back environmental protection, and they are starting to do a few things here and there that maybe show that. But you know if you look at the budget that was adopted earlier this year, in the spring of 1996, you see that it still contains all these poison pills from the old budget, extreme proposals that go against America's values. It still eliminates the Medicaid guarantee of meaningful health benefits for millions of Americans, it still threatens Medicare with excessive cuts and damaging policies, it still cuts education, and it still takes the environmental cop off the beat. What I mean by that is it cuts enforcement, and I have said over and over again here in the well that it is very nice if you have good environmental laws on the books, but if you do not have the money to enforce those laws, to send out the investigators, to have the environmental cop on the beat so to speak, you might as well not have the laws on the books at all.

And this is what we are seeing, a budget that basically disregards America's values.

I wanted to go into some of the points on this budget, but I see that the gentlewoman from Connecticut, who has been so much a leader on making some of these points, has joined me, and if she would like to have some time yielded at this point?

Ms. DELAURO. Yes, I appreciate my colleague yielding. I just wanted to make two or three points.

I think we have seen that Labor Day has come and gone, the August congressional work break is over, and as

kids across this Nation are going back to school, Members of Congress head back to Washington for this final push, if you will, of the 104th Congress. In essence there is 1 more month of legislative work before the November elections.

Sometimes, and I do not know if this is a fitting analogy, but for some people the thought of Congress coming back to work makes working families across this country feel exactly what many women feel at the beginning of the fall football season. It is kind of a complete and utter dread as to what else might be wrought on them. And after what they have seen with this Congress over the last 20 months, I think that there are very few or no one wants to see Speaker GINGRICH and his leadership back at work because, quite frankly, there is just too much at stake for people in their lives and the lives of working families.

The legacy, and my colleague talked a little about this, the legacy of the 104th Congress, the first Congress led by a Republican majority and the Republican leadership, their legislative agenda over the course of this last 20 months can simply be summed up in three words, and that is ''hurting working families.''

Sometimes we forget where we started and if the natural instincts of people have been followed in this body over the last 20 months. But today, and I am sure my colleague has read the press today, a new CNN–USA Today-Gallup poll shows that American voters prefer Democrats in Congress over Republicans by a 10-point margin. This is the biggest lead for Democrats since Republicans captured the Congress in November 1994, and this is what USA Today observed, and I quote:

The polls suggest GOP control of the Congress gained in 1994 for the first time in 40 years could be in serious danger.

The poll also showed that 60 percent of the American public has a favorable opinion of the Democratic Party compared to only 50 percent with a favorable opinion of Republicans. It is really time to take stock of what has been done over the last 2 years with just 2 months left of this session of the Congress.

What the Republican leadership advocated, what they voted on, what they pushed through the committee, the kinds of efforts that you have talked about that were in the budget, that are coming back at us in another way over and over again, what they pushed through the committee, what they brought to the floor of the House; it is really quite significant and worth recalling. Let me just mention a few things.

The Republicans started off the 104th Congress by attacking kids, cutting Head Start. Why should we prepare kids for kindergarten? They wanted to cut the school lunch program. Why should we stop kids' stomachs from growling? They wanted to cut the student loan program. Why should we help our kids with a college education?

And they did not stop there. Then they skipped a few generations and went on to seniors, the Medicare battle of cutting $270 billion to pay for $245 billion in tax breaks for the wealthy. Why should we help seniors to pay for their medical care? Rolling back nursing home regulations. Why should we protect vulnerable seniors? You know, the notion of shutting down rural hospitals. Why should we provide the underserved areas with medical care?

Then they went after the environment, my colleague pointed out. They let special interest polluters rewrite environmental laws. They actually had lobbyists sitting on the dias, which is only reserved for Members of Congress.

Why should we have clean air and clean water? They cut funding for Superfund clean ups. Why should we get rid of toxic waste dumps? And I know my colleague in New Jersey has dealt with this issue over and over again. I have in my own community of Stratford, CT, where despite the two Government shutdowns and despite the initiatives to try to cut back on the Superfund they were able to continue with a project that can bring 1,500 jobs to Stratford, CT, immediately and then be able to build on that. They threatened to open up the Arctic Natural Wildlife Reserve to drilling. Why should we conserve our national treasures?

And then they did not stop there. They went directly to working families. They stopped passage of the minimum wage increase until medical savings accounts were added to the Kennedy-Kassebaum health care reform legislation.

It was very interesting on the minimum wage debate. It took all kinds of legislative and all kinds of parliamentary procedures in order for us to even be able to get the minimum wage up on the floor and try to get it passed.

The whole issue of the medical savings accounts which was brought up, the medical savings accounts the Consumers Union has called a time bomb that will make health insurance less accessible and less affordable for many Americans.

But the public did not support the Republicans' leadership effort to hurt children, and they do not support these efforts to hurt seniors.

What we will take a look at in the new proposal, this economic plan proposed by Bob Dole, is about close to $600 billion in a tax cut. If you had to take, if you had to look at and if they had to look at cutting Medicare in order to provide for a $245 billion tax break for the wealthiest, where do they have to go to deal with $600 billion in a tax break?

I know my colleagues from New Jersey and I do support tax cuts for working families. Let us take a look at how we can help working families with education, with doing, you know, helping people who are going to sell their homes without having to pay a capital gains tax, providing families with a $10,000 tax deduction in order to get their kids to school or provide for education or for skills and education training. Those are the kinds of things. The HOPE scholarships, $1,500 over 2 years, a 2-year period of time, where if a child maintains a B average and stays drug-free that they will be able to get some education help. These are the kinds of ways we need to point, directly point at working families in trying to help them, not a $600 billion, you know, tax break that will wind up going after seniors once again.

Mr. PALLONE. The gentlewoman could not be more on point, believe me. That is exactly what I was hearing, as I said, for the 3 weeks before the Democratic Convention when we went to Chicago. I had forums, town meetings every night and a lot of times during the day, and that is what I kept hearing over and over again, that people want the Government to be involved in positive ways, to help them with educational programs, for example.

I mean I had a forum in Piscataway, which is one of the towns that includes Rutgers University or different parts of Rutgers University in my district, and people would come up and say, look, we cannot afford higher education. We like the fact that the President has expanded now a national direct student loan program, we like the fact that AmeriCorps is in place and you can work and get a student loan and pay it back through working while you are in college or afterward. Expand the opportunities, use the Tax Code, if you will, as you suggested and as the President suggested and mentioned at the Democratic Convention, use the Tax Code to give the deduction, that we can deduct tuition or that we can get the tax credit for the first 2 years of college, as the President suggested, the HOPE scholarship for example.

I love the term ''hope'' because it is so positive, and it is his hometown in Arkansas, and you know that is the kind of thing that appeals, not to cut back on these programs, not to cut back on student loans, not to say we are not going to have a direct student loan program any more, not to eliminate AmeriCorps, which is exactly what the budget that was passed in this House does.

And if I can just say that I remember during the convention when, I think it was, the Vice President spoke and said, ''I was there and I remember,'' and I think that is exactly it. I mean we were here on the floor, we have seen that they have proposed, and they cannot hide behind it now and act as if they never proposed it. They not only proposed it, they still have it out there as the budget they are trying to work with the terms of what appropriation bills they move here.

So the reality is that they are still trying to cut back on these higher education programs and other things that are so important to the average American.

Ms. DELAURO. Let me just make one more point, because I think it is very

clear this is not too long ago before we left for the August work period that BILL THOMAS of California talked about the Medicare Program as a socialist program. Last week in Congress Daily, when someone asked the Speaker how we could pay for the Dole economic plan, the $600 billion tax cut program, he said, well, we will have to go back and look at entitlement programs again maybe, and we will probably have to look to defense as well. So they added that on.

But the first, the very first, thing out of his mouth was the entitlement programs again: Entitlement, Medicare. That is what we are talking about. So they are prepared to go back to trying to cut Medicare and education again and all of the programs that people are utilizing for their families, not wasting money on. Nobody is talking about being spendthrifts and doing that. People are talking about a Medicare system that has helped people, student loans which help people, but if they are going to try to go for $600 billion and try to balance the budget at the same time and not cut defense, where is the money coming from?

□ 1845

Mr. MILLER of California. Mr. Speaker, if the gentleman will continue to yield, as I was listening earlier, we are all kind of struck I think, after being away from here for a month, to see how at the Republican convention there was this desire to reinvent, if you will, the Republican record.

The most striking one is to come back at the end of that and to have Bob Dole come out and support this $600 billion tax cut, and then to suggest that somehow it is paid for; and then to see the Speaker say maybe they would look at defense, and to meanwhile have Bob Dole going around the country saying that the administration is not spending enough on defense, that they have to spend more.

So the presidential candidate is saying they are going to spend more on defense than we are already spending today, and so we get back to the entitlements. Of course, when we get back to the entitlements we get back to Medicare and to Medicaid, and we have struggled now for almost 2 years to try to take their $270 billion tax cut that was earmarked to come out of the Medicare funds and get that pared down to, now they are talking about 245 or 268 or some other number.

The question, in the middle of this, Bob Dole dumps in $600 billion in tax cuts and says you can afford this. We cannot get the budget passed, we shut down the Government because we could not get the budget passed, we could not afford $270 billion in tax cuts.

When we compare that to the President who has put forth a program that is in fact affordable and is targeted at populations that need it, of course, what we are seeing is this huge skepticism, because we went through the 1980's, and people saw this dramatic runup. We see now Dick Darman has published his book which says today that simply the deficits in the 1980's were caused by the fact that they spent too much money, that the Reagan administration spent too much money. As he says, it was primarily defense. They fought, they fought this Congress all the time on that.

The question is, Do we want to have a replay? I think what we are starting to see the American public say is we do not want to go backward, we do not want to go to the 1980's, we want to go to the year 2000. We want to go with a budget that is balanced. We want to go with kids that are competitive, kids that have skills, with kids who are educated, and with families who can keep their standard of living, that is what the future is about, and a targeted set of tax credits, some help for businesses, some help for education, some help for families, for older people that are going to sell their homes. That starts to make a lot of sense, and it is affordable. It is affordable.

But to watch this other thing happen, this $600 billion, and to try to pretend that it is not related to cutting Medicare, that it is not related to squeezing health care out of either Medicare or Medicaid, because when we are looking for $600 billion, that is where we are going, because so far we have not found the $245 billion without savaging those programs.

So far, what we have come to is we have kept their hands off of Medicaid for the time being; but if we are looking to pay for the Dole tax break, we are going to go to Medicaid and we are going to go right past that to Medicare. So, effectively, he has put it all back on the table, because it is so big and it is so sloppy and it is so untargeted that all it does is add to the deficit and drive cuts in programs that are absolutely vital to families in this country if they are going to have their parents and grandparents and themselves taken care of in future years.

I want to thank the gentleman for taking this time to point out this incredible inconsistency. It was one thing, there was sort of this one CONGRESSIONAL RECORD when the whole world was watching, but for 18 months when people were rather confused about what was going on, these guys were hacking and hewing and slashing every program that moved, every benefit working families needed, that college students needed, that children needed, and nutrition programs and school lunch and Head Start Programs. They were in here slashing away. Then one day they found out the public was watching, the public found out about it, changed its mind, and now they are trying to change their clothes. They are trying to put some other patina on what it is they were doing.

The fact of the matter is we want to judge people by what they are doing when we are not paying attention. What they were doing was destroying the basic fabric that is helping to hold many American families together in very difficult economic times with respect to wage increases and standards of living. I thank the gentleman for taking this time.

Mr. PALLONE. Mr. Speaker, the thing that I liked best about the President's speech at the convention is that he was basically talking about very modest proposals; progressive steps, if you will, that could move us forward toward helping the average American, and basically giving them responsibility and opportunities so people could do things for themselves, in a very modest way. He did not talk about any grandiose scheme that was going to solve all the problems of the world.

That is the kind of thing that I get from my constituents. They come up with very commonsense proposals, like we talked about the education proposal with the tuition tax deduction or the credit, $1,500 a year, something like that; modest things that will move us forward.

I was very happy when the President came out with some new environmental initiatives. Again, they were not anything grandiose, but he talked about how in the last 3 years since he has been in office, in the Superfund Program, we have cleaned more Superfund sites in the past 12 years, and he says he is going to make a major initiative over the next 4 years to clean up, I think, two-thirds of the sites or something like that; you know, use the existing program to try to do the right thing, to clean up these sites. That is what I hear.

I had a couple of environmental forums in towns that have several Superfund sites. In each one of them there has been significant progress on cleanup, real cleanup, permanent cleanup, not just capping the site with asphalt or something like that. They understood when we said, look, we are making progress progress, but we want to do more. We want to accelerate the progress. That is understood, as the President said.

Mr. MILLER of California. Mr. Speaker, I assume the gentleman is getting the response that I do in the district that I represent. City officials for the first time feel like the EPA and Superfund is there to help them. They have spent 10 years languishing, trying to get through this morass of complications, and all of a sudden here is this administration, Carol Browner and our regional person, Felicia Marcus, who are going out meeting with cities, the city dump, dealing with providing efforts to bring in new economic activity, cleaning up the Superfund sites, committing resources, committing personnel to doing this.

For the first time, the mayors and city council people in my area that have had these problems from many years ago are talking about this as a positive agency. For 10 years they looked at them like all they were doing is hindering the city that was trying to

get going. For the first time we see this.

So we do not need a grandiose plan, what we need is someone who is committed to carrying out the intent and purposes of the Superfund law, and getting our communities cleaned up so we can get on with the kind of economic activity that is possible in those areas. This is the first time I have ever heard this from local city officials about that program.

Ms. DELAURO. If the gentleman will continue to yield, it is so clear, because I have Stratford, CT, where since 1918 the Raybestos Co. has been dumping, it was just toxic soup here, and despite two shutdowns, we have had the Superfund Program working. There has been such a cooperative effort between the Federal, State, and local government, working together to clean up this site to put the cap down. There is a developer who will come in and put up a shopping mall. We will have construction jobs, we will have revenue to the State of Connecticut and an increase in jobs. It is one of the best examples of cooperation and of partnership.

And as I mentioned a few minutes ago, during the shutdowns, even during the shutdowns the Superfund Program continued to work with the project, help to provide money to keep it going, to keep it going, because of what it means for the future of that community. If the Republicans had had their way over this past 20 months, EPA would be gone. It was over.

That is why what we need to do is, on a whole number of issues that have been talked about, whether it is school lunch, college loans, the direction that this march was moving in in terms of what it wanted to do, it was halted because of the public outcry. People said no, these programs work. School lunch works. Medicare works. The environmental regulations are good for us. They said no, so we had a stopping of it.

My colleague, the gentleman from California, is right; it was almost unbelievable that the group who brought you the last 20 months was nowhere to be seen in San Diego. They were taken off the screen. But if they had followed their natural instincts, so many of these efforts that were really products of bipartisanship in years past would have been gone.

Mr. PALLONE. Mr. Speaker, I just wanted to follow up also with what the gentlewoman was saying about this whole idea of empowering the local people or citizen groups to get involved. One of the things that the President mentioned also as an environmental initiative for the next 4 years was expanding right to know.

When you talk to your local citizen groups that had been involved in Superfund or clean water, whatever it happens to be, they all say the same thing: We are playing a major role in finding out what the pollution problems are, in investigating, going to outfall pipes or looking at the Superfund sites.

A lot of the remedy selection, if you will, for the Superfund sites in my districts were actually put together by local citizen groups that got a grant from the Federal Government or from the State, and actually had input to put together what the remedy should be to clean up the Superfund site. So when you talk about citizen rights, expanding citizens' ability to sue, right to know, the kinds of things the President was talking about, these are the kinds of tools to empower them that people want to use. They see Government as this partnership to empower them to take on more responsibility and to work locally with the Federal dollars and with the State government to accomplish the goal.

Mr. MILLER of California. If the gentleman will yield, that is the point. The President talked about Mr. Dole, talking about being a bridge to the past and a bridge to the future. In effect, what you saw out here for 18 months was an attempt by the Republican Party to go back to the past, to a time where there was not the EPA, where we did not have the Clean Water Act, where we did not have the Safe Drinking Water Act, where we did not have nutrition programs for children, when we did not have a Medicare program to take care of the elderly.

The fact is, that is being rejected. That is being rejected throughout the country. Each and every time, as the public learns more and more about what this agenda was, what the ramifications of this contract were on regulatory reform, on environmental laws, on the nutrition laws, on our education program, that has been rejected, and it is being rejected overwhelmingly.

We ought not to go back to those days, because in fact our communities have benefited from these environmental laws, our elderly have benefited from programs like Medicare, and poor populations have benefited from the Medicaid. We just cannot go back in this country. That is really what the contract was about. It is about what the first year was about. It is what the shutdown was about.

It was about if you do not let us, to go back to a time without Medicare, without Medicaid, without nutrition, we are going to shut down the Government. We have seen that show. We have been there, we have done that. That is unacceptable to the American public. I think what we are starting to see is people want to focus on the future, and about the opportunity to have better communities, safer neighborhoods, and more secure families as we go into the next century.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding. It is a pleasure to be here this evening.

Mr. Speaker, as I just came back from a few weeks in my district, talking to seniors, talking to parents, understanding the needs of the people in my district, I come back here ready to fight once more, just to stop this amazing, amazing move to take us backwards.

I sit on the Committee on Appropriations, where I remember in the late night seeing our colleagues on the Republican side trying to cut student loans, cut drug-free school money, trying to cut after-school jobs for youth. The gentleman and I know, and it is the same in New Jersey and New York, that the families, the mothers and fathers with whom we speak, want us to be investing in education. They want to take our kids forward to the 21st century. They do not want to see us go back. In fact, many of our communities are really distressed about seeing school buildings that need so much work.

I was delighted when the President suggested that we put forth a bill that would invest over $5 billion in rebuilding our schools.

□ 1900

We have a lot of talk about computers and bringing us forward to the 21st century. Yet these kids go to schools where they are crumbling. We should be really investing in our young people, in education, so we can move forward.

I also live in a district where we are bordered by the Long Island Sound on one side and the Hudson River on the other side. What a year we have had, where we have seen so many environmental regulations by our colleagues in the Republican Party; we have seen these regulations, at least attempts to destroy these regulations. The gentleman from New Jersey [Mr. PALLONE] has been a real leader in this area.

I know the majority of our constituents want us to, yes, try and reform some of these rules so that they work more effectively, but they do not want to see us go backward. They want us to continue to fight for clean water, clean air. The gentlewoman from Connecticut [Ms. DELAURO] and I have been working to upgrade sewage treatment plants, as the gentleman from New Jersey has, because we understand that there is a real balance between jobs, economic development and cleaning up our environment. So we do not want to go backward. We want to go forward, whether it is fighting for a clean environment or fighting for a strong education, just to make sure that our families and our children have a bright future ahead. That is what this is all about.

Mr. Speaker, I was just in my office doing some work. I heard the gentleman from New Jersey [Mr. PALLONE] and the gentlewoman from Connecticut [Ms. DELAURO] talking about the important challenges ahead, and I am so pleased that we have leadership in the White House working with us to make sure that we go forward to the 21st century. We have a lot of work to do, and working together I know that we are going to accomplish our goals.

As I am thinking about these various issues, I remember sitting on this committee and seeing my Republican colleagues trying to cut out 60 percent of the funds for prevention in trying to make sure that our youngsters do not go near drugs. We need programs like DARE, other substance abuse prevention programs, to be sure that the kids understand in their gut that drugs should not be part of their lives. We hear a lot of talk, a lot of rhetoric about drugs are no good and we have to do more. Yet the bottom line is on that committee the Republicans cut out 60 percent of the funds for substance abuse prevention programs.

I am hoping that we can continue to work together to make sure that our schools are strong, that our environment is clean, that we protect our family and our children and the future and make sure we get that bridge to the 21st century, not let any of our colleagues take us back. I thank the gentleman for all the work he his doing and the gentlewoman from Connecticut [Ms. DELAURO]. It is a pleasure to stop by and talk with them.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman's comments. I think she is making the point that money is the key. The gentlewoman is on the Committee on Appropriations. She pointed out that in many cases the whole emphasis in this 104th Congress was on cutting money for environmental programs, for example, for education programs.

Again we started out this evening by saying that, if you do not have the money to hire the investigators to do the enforcement, to upgrade the sewage treatment plants, for example, then what is the use of having the environmental laws on the books? That is what we saw. We saw, I think, initially an effort to try to cut back on some of the substantive environmental programs. And then when the Republicans could not accomplish that, they went to the Committee on Appropriations, and they tried to cut back on the money for enforcement, the money for investigation and then also put those legislative riders.

Remember that we had, I think there were 17 legislative riders that were put into the appropriations bill that my colleague and other Democrats on the Committee on Appropriations fought so hard to try to get eliminated, and eventually all the riders were eliminated. But it was a hard-fought battle. The public has to remember what this battle was all about. It continues. The budget that is out there now would again cut back significantly on all these environmental programs.

Mrs. LOWEY. Mr. Speaker, I appreciate the gentleman mentioning those riders again. As we know, if the President did not stand firm working with the Democrats in Congress and eventually some of our colleagues on the other side hearing from their constituents in the district came around, if we did not stand firm with strong Presidential leadership, where would we be today? Those riders would be in place.

Mr. PALLONE. Exactly.

Mrs. LOWEY. I think it points up how important a role all of our constituents have. They attended town hall meetings. They wrote to their Members of Congress. They wrote to the President saying, we want to go forward, we want to continue to work, to clean up bodies of water like the Long Island Sound and the Hudson River and other estuaries around the country. They do not want to go backward.

They understand that, yes, you can make these laws work better, you can cut out a lot of the waste, and we know there is plenty all over the place. But they still want us to invest in cleaning up these bodies of water because they understand that, in order to create jobs, in order to create businesses, in order to keep our economy strong, our environmental regulations have to be in place because it is that balance that you, I, the gentlewoman from Connecticut [Ms. DELAURO] and so many of our colleagues are trying to preserve.

Mr. PALLONE. Exactly.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I think one of the key issues is remembering, remembering this last 20 months and what it has been about.

If the natural instincts of the Republican majority and leadership had been followed, we would have seen the single biggest cuts in education that the United States has ever seen. We would have seen the biggest assault on the environment, as both of my colleagues here have talked about, that we have seen since we started to try to do something in a bipartisan way on cleaning up the environment.

Mr. Speaker, we would have seen the program that has probably been the most responsible for helping American seniors out of poverty, the Medicare Program, we would have seen that transformed into something else and leaving people who have worked hard all of their lives, people who only truly want to have a decent and a secure retirement, something that they have earned, we would have seen that program devastated.

What is very interesting is that that was stopped, by the public primarily, by the outrage of the American public, and the Democrats in the House and the Senate and the President. But what is very interesting to note is that, and you can make reference to what happened in this Congress to nightmare on Capitol Hill part I; and I think, if given another chance, we would see return of the nightmare part II, not by my commentary but by what has already been in print by Republican leadership. The Speaker, saying that to enact a Dole economic plan would mean cuts in entitlements.

The third person in charge of this House in the Republican leadership, TOM DELAY, in a response to columnist Mort Kondracke, when asked if they would do things differently or do them the same, talked about doing the same things over again. There has been recent commentary about the Medicare system being a Socialist system. The public in no way can feel that they can put their trust in people who do not believe in Medicare, fundamentally do not believe in it, who want to cut back on the opportunity for education, make it more costly for them to be able to get their kids to school and to jeopardize what their retirement security is all about.

Mr. Speaker, one thing we totally have not talked about at all is the raid on pension funds. They were going to allow corporations to raid employee pension funds, not to utilize for health care or some other reason but for anything they wanted. It was going back to the 1980's, to the corporate raiders who wound up taking the pension funds, investing in savings and loans or junk bonds, and so forth, went belly up and put people's pensions at risk.

That was on the table to happen. It was stopped. But it is good to review and to understand where their inclination would have taken this country, how they truly threatened the standard of living for working middle-class families in this country, and given the chance again, would do it again.

Mr. PALLONE. Just to fall back again on what I was saying before, I had, I think, 3 senior forums, at least 3 senior forums during the break, When I started the forums, each of them had 200 or 300 people. I was amazed at how may people came out because they were concerned about what the Republicans were doing on Medicare and Medicaid. They started out in each case by giving me very positive suggestions about how Medicare could be changed to save money but actually accomplish more, things like, well, we should include prescription drugs, maybe we have to pay something, $5 or something like that but cover everything else for prescription drugs because if you do that, that will prevent us from having to go to the hospital or having to go to the nursing home. Preventive.

People started to talk about nutrition programs, better diet or whatever for seniors as a method of prevention. Or about home health care and how the Medicare was so limited in home health care and if you included that home health care, it would prevent institutionalization.

Prior to this Congress, in Democratic Congresses, we were talking about expanding Medicare to do those things with the idea that you could save money. But all of a sudden that was off the table. We have not heard anything like that for the last 2 years. These were just commonsense things that I was getting from my constituents. They were saying, those are the ways you can change Medicare to save money but be more helpful to us as senior citizens in terms of our health care.

I had to basically say, well, the reason the Republican leadership is not doing that is because they are really not trying to save or improve Medicare, they just want to cut it so they can give back these huge tax breaks for the wealthy. They want it to wither on the vine. They did not even want it from the beginning. You talking about positive ways to improve this. That is not what this Republican Congress has been all about.

It is hard, though, to convince people of that because they have a hard time believing that elected representatives would come down here and actually try to dismantle something that has been so effective, but that is the reality.

Mrs. LOWEY. The gentleman from New Jersey brings up a very important point and why this session for me was like a nightmare. It is hard to believe, first of all, that Members of Congress who were duly elected would want to shut down the Government as these Republicans did. It reminds me of, as the mother of three children, we have seen some kids that want to stand in the corner and said, ''I'm going to scream and scream until I get my way.'' It is kind of hard to believe that they would have shut down the Government.

Ms. DELAURO. Twice.

Mrs. LOWEY. Twice. But it is that kind of attitude that is amazing. When you think about it, it really is extraordinary that elected representatives would do that.

Mr. Speaker, I have been in Congress now for about 8 years. We have had differences of opinion among Republicans and Democrats, among Democrats and Democrats. But eventually you sit down, you discuss it, you come up with something that is common sense, that makes sense. The gentleman mentioned the kinds of reforms and changes that we have been talking about all along. We had the 30th anniversary of Medicare this year. We talked about various ways to improve the program, to make it better, ways that we can root out real fraud and abuse. We know that. But we have been talking all these years, not about getting rid of it. The American people had one revolution. They do not want another one. We have been talking about how we make it better, whether it is Medicare, Medicaid, or even Social Security.

We know that women, for example, who are the majority of the poor elderly in this country have been penalized for the years that they took off from work to raise their children. We have been working together to improve these programs so that women will not be penalized if they stay home. In fact, the bipartisan congressional caucus on women's issues, and there are very few things that are bipartisan around here these days, has been working on a group of what we call economic equity bills so that we can improve the lives of seniors as they get older.

□ 1915

We should be there working on those kinds of changes, making it fair, and not trying to get rid of Medicare and Medicaid, not making deep cuts in the programs so they cannot function.

Now, we know we have held off the Republicans in this session because there has been such an uproar in the community. But I am hoping that with the Democrats actively working with the President, and with those colleagues on the opposite side of the aisle who want to join us, we can continue working on changes to Medicare and Medicaid to make these programs more efficient, but not cut back, not have deep cuts, because that does not accomplish anything.

So I am very glad that the gentleman brought up the kinds of things that he discussed in his town hall meetings, because I see that, too. I have been going to senior centers, I have been talking to my seniors. I have been talking to families.

It is not just seniors that care about this, because the average family that it feeling squeezed because they have to pay tuition to send kinds to college, the average family that has a couple of kids is worried that if there are these deep cuts in Medicare and Medicaid that are proposed by our Republican colleagues, they are worried that they are going to be caught in the middle. They are going to have to pay their college tuition, they are going to have to take care of their seniors that they love, and they just cannot handle it all.

So I am very glad that we were able to hold off these draconian cuts, and hopefully we can work together in a bipartisan and constructive way in the future to really continue to make changes, but not to cut back.

Mr. PALLONE. I agree. In fact, one of the things, I did have two forums, I guess there were three forums where we talked about the family first agenda, the Democratic family first agenda which, again, is a very modest series of proposals, but realistic in terms of our ability to pay for them and I think our ability to get them enacted. Again, it kind of reiterated what you just said, which is that the families are hurting and that they need the Government to help in some ways to make it so they can take on more responsibility and work together with the Government to improve everybody's lives.

Going back to health care again, there was a lot of support for the Kennedy-Kassebaum bill which the President signed while we were in our district work period. But people also said they would like to see some of the additional changes that were in the family first agenda, the idea of kids-only health insurance for people that cannot get health insurance just for their children, addressing the drive-through deliveries. I was so pleased to see that the President mentioned that at the convention, in his speech, that he would sign the bill that would prevent drive-through deliveries so that women would be guaranteed, I guess, at least 48 hours for natural delivery and 4 days, I guess, for a C-section.

These are the kinds of incremental proposals on health care and dealing with health care issues that I think we can get passed, and that the President has said ''Send me this legislation and I will sign it.'' But, again, we have had a difficult time, an impossible time with this Republican leadership, in moving on this agenda.

Ms. DELAURO. The gentleman mentioned the families first agenda which I am terribly proud of. That effort was put together by Members traveling through their districts for the last several months and listening to people and what their concerns are, some of the things we have talked about here tonight: How are they going to afford to send their kids to school? How do they make sure they are meeting their obligation to their parents and meeting their obligation to their kids? And their concern about their children in schools, with violence, how are they going to maintain their standard of living, all of those kinds of things.

I know so many Members spent a lot of hours, I know my colleagues here did, just really in living rooms. I did so many meetings just in people's living rooms, listening to what they have to say. The families first agenda is about that. It is saying that families are first and not last.

The Contract With America was, and my gosh, they cannot run away fast enough from it now, they are running away from the contract, from the leadership, with good reason, because it in fact had nothing to do with how we were going to try to help people raise their standard of living and take care of these kind of kitchen table issues and discussions that people have.

But the families first agenda is modest. It is not big government. They are not large bureaucracies, not grandiose ideas. It is some very basic, simple principles and initiatives which can be implemented, around which there can be a consensus to get implementation: the targeted tax cuts for education that we talked about; health care insurance for children from zero to 13.

Let us make sure our kids have health insurance. There are so many young families today where they cannot afford to have insurance, and kids get sick. Kids get sick. That is a fact of life. Where the heck do you get the money to be able to take care of that insurance?

Pension reform, making it easier for businesses to offer pensions, making sure that pensions are accessible, making sure that that kind of corporate raiding of pensions is prohibited in some way. And there are proposals to deal with that.

Child care proposals for working families, a big issue. How you are able to work? You have both parents working today. What do you do about child care?

There is also an initiative about working with State government on

jobs and looking at how we try to implement a program that gets money to the State. States put in matching funds so we can create jobs around school construction and airports and roads and bridges and so forth.

So a modest set of proposals that can be implemented. I think we can all be proud of the families first agenda.

Mr. PALLONE. The other thing, when you were talking about the pensions, I heard a lot about the portability. In the same way we were talking about the health insurance portability in the families first agenda you have the pension portability. A lot of people came and said, ''You know, I can't take my pension with me if I change my job.'' That I think is part of the families first agenda too, which is a great idea, because so many people today have many jobs over the course of their time they are working.

Mrs. LOWEY. Mr. Speaker, I am glad the gentleman mentioned all of the factors that really working women are not just concerned about, many of them are frantic about. In my district in Westchester County, this morning Secretary Reich spoke on the teleprompter, or whatever those big TV screens are called, to a large group of women that were there for a Working Woman Conference. They got together because these women are so frustrated.

It takes two to support a family today, both the husband and the wife are there working, and there are a whole lot of discussions about child care, how are they going to pay for child care, how are they going to send their kids to college? They are worried about everyday living. That is why the President's proposal for a $10,000 tax credit was talked about today, because it is so important.

I am hoping that we can really work together to get some of these proposals in the families first agenda through this Congress, because they are not pie in the sky, they are practical proposals, creating partnerships between the public and the private sector to create more child care positions, to make pension reform a real part of our congressional agenda, to help women go out and start businesses.

We have been involved with the glass ceiling, and you know what happens when a woman hits that glass ceiling in a big corporation. She takes all the skills she has learned in the community as a mother, as a boss, and goes out and starts her own business. But a lot of these proposals in the families first agenda are real, they are doable, and we can get them done, if we really focus and work together.

So with President Clinton's leadership, working with those of us who have been fighting for women and families and children for a very long time, I think we can achieve our goals.

Mr. PALLONE. I appreciate that. I just want to thank the two of you for joining in this special order tonight. We sort of started out by saying how the GINGRICH Republican leadership agenda was really out of touch with America's values and what people think we should be doing here in Congress. But, at the same time now, as Democrats we have our own agenda, the families first agenda. More and more what I found during the August break was that people understand that, and they think that is the way to go, modest proposals to move forward in a progressive way to help the average American.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3719, THE SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

Mr. SOLOMON (during special orders), from the Committee on Rules, submitted a privileged report (Rept. No. 104–773) on the resolution (H. Res. 516) providing for consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3308, THE UNITED STATES ARMED FORCES PROTECTION ACT

Mr. SOLOMON (during special orders), from the Committee on Rules, submitted a privileged report (Rept. No. 104–774) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRIDE IN THE CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, it is my intention to use about 30 minutes, give or take, and then yield back time which then will be claimed by the gentleman from Pennsylvania [Mr. WELDON].

With that, I would like to just thank you for serving as Speaker, as Acting Speaker, and to tell you that I was looking forward to addressing this Chamber tonight, particularly more so after hearing my colleagues who just preceded me. For a variety of reasons, I just strongly disagree with their attempt to really spin what this Congress has done.

Let me say from the outset I have never been more proud to be a Republican in this 104th Congress, to serve with so many other men and women who believe deeply in doing some very important lifting for this country.

Preceding the 1994 election, Republicans who were in the minority made a determination that we wanted to present a very positive plan for the American people, and that this plan would be a statement of what we intended to do if in fact we became part of a new majority.

We decided that we would set forward this plan in a Capitol steps event, and not just invite incumbent Members of Congress, but those that were challenging incumbent Members of Congress. We also decided we wanted people to have a sense that if there was this new Congress, there would be a major shift in policy and direction, and that we would promise to do much like what might happen in Britain or Canada or Israel, that when you had a change in government, you really had a change in direction.

So we set out with what we called the Contract With America. It was a contract that we collectively, Republicans, both incumbents and those challenging, put together. When we started working on our Contract With America, there were things we took out because we could not sign if they were still in. So what remained of our contract was a piece of effort that really had the support of almost everyone, 390-plus Members and challengers who signed this Contract With America, and I was one of them.

I remember when I was being interviewed by one of the editorial boards before the 1994 election, I was asked how could I as a moderate Republican sign on to the Contract With America, as if somehow this contract was something that I would not be proud to be associated with.

So I thought about it a second, and I said to the people asking me the question, ''What do you think of the Democrats' Contract With America? The 8 reforms they want on opening day, the 10 reforms they want in the first 100 days?''

I asked the question and waited for an answer, and I waited. And finally I said, ''Isn't it interesting that the majority party,'' the then Democrats who were then the majority, ''had no plan, didn't share what they wanted to do, no sense of direction?'' And here you had a minority party that was not sure it would be in the majority, promising they would do certain things.

I said, ''Isn't it also interesting that our Contract With America did not criticize President Clinton or the 103d Congress or the 102d Congress or the 101st Congress?'' There was not any criticism of Democrats. It was just a positive plan of what we wanted to do.

The reforms in the first day of Congress, those eight reforms, getting Congress to live under all the laws that we imposed on the rest of the country, Congress had exempted itself from the Fair Labor Standards Act, the Civil Rights Act, the Americans with Disabilities Act, the age discrimination,

the family and medical leave, the Occupational Health and Safety Act, Employee Polygraph Protection Act, the Worker Protection Act and so on. This Congress put Congress under all the laws we imposed on everyone else. So we are now under the 40-hour workweek. That was one of the reforms in our Contract With America. We also cut the number of committees, we cut the number of staff in the committees.

We did something that was really monumental, though I think it is hard to explain, we eliminated proxy voting.

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Proxy voting was the process where a chairman would get a Member to sign a proxy that gave the chairman the right to cast his vote or her vote. And it was the reason why chairmen controlled the committees, because they had a fistful of proxies. And when we eliminated proxy voting, we brought democracy back to Congress. In fact, there were a lot of good Democrats who lost in previous elections, not because they were not trying to do the right thing, it is just they could not get beyond their chairman who had so many proxies in their pocket. They could not pass legislation that they themselves wanted to pass what the American people had asked for.

What this Congress is attempting to do, and we have succeeded in a whole host of areas, our first is we are trying to get our financial house in order and balance the Federal budget, not because balancing the budget is the most important thing or the end result. It is the foundation. So in that sense it is the most important because what is built on top of it has to have a strong foundation. So we have to balance the budget and get our financial house in order so that when we do programs, they will be on a strong financial footing.

The second thing we need to do is save our trust funds from bankruptcy, particularly Medicare. We learned last year that Medicare would go bankrupt in the year 2002. Now we are learning that Medicare may go bankrupt in the year 2000. It is going bankrupt because more money is going out of the fund than coming in because we are spending too much money. So we are looking to save Medicare.

We had a plan and the President vetoed it. And he vetoed it when we thought the fund was going bankrupt in the year 2002. Since his veto we now know it is going to go bankrupt basically in 19 to 20 months sooner. And our third effort is to transform our social, our caretaking society into a caring society, to transform our social and corporate and agricultural welfare state into a caring opportunity society. We want to end welfare not just for people who have been on it for years but for corporations and for those large farms in particular that have become addicted to government price supports, and so on. So that is what our effort is.

Now my colleagues on the other side of the aisle talked about the cruelty of cutting the school lunch program, the student loan program, Medicaid and Medicare. First and foremost, I have to be direct, we are not cutting those programs. So the very premise on which my colleagues spoke is just wrong.

Now, one of the things they talked about was the earned income tax credit. This is a payment made to someone who works but does not make enough to pay taxes, so they get something back from other taxpayers. It is an earned income tax credit. They are working Americans who get something from the government. They said we were cutting that program. Yet the program is going to grow from 1995 to the year 2002 from $19.9 to $25 billion. Now, only in this place and where the virus is spreading, when you go from $19.9 to $25 billion do people call it a cut. This earned income tax credit is important and we want it to go for families. We want to help families have money when they are working poor.

The school lunch program is going to grow from $5.1 billion to $6.8 billion. Again, only in this place and where the virus is spreading, when you grow from $5.1 billion to $6.8 billion do people call it a cut.

Now, what we did do is the following. The school lunch program is going to grow at 5.5 percent more a year. It is going to grow at 5.2 percent more a year. We said it should grow at 4.5 percent more each year. So we are going to spend 4.5 percent more each year. But then what we did is we said 20 percent of it, State and local governments could reallocate. We got rid of all the Federal bureaucracy involved in the program, saving the money so the students could have it, not the bureaucracy. So we allowed the student loan program to grow at 4.5 percent more each year. That enables it to grow from $5.1 billion to $6.8 billion in the seventh year.

We allowed governments, local governments, to transform and the States to transform 20 percent of it, to transfer it and to transform it so that a child in a suburban area who comes with parents that make a decent income like myself would not have their daughter subsidized. Why should my daughter have 17 cents of her meals subsidized by the Federal Government when I make a nice salary as a Member of Congress and my wife teaches? So we were going to allow local communities to take that money and spend it in communities that need it more, like my cities of Bridgeport and Norwalk and Stanford for kids who come from parents who do not have much income.

So rather than taking and slowing the growth of this program and giving some children less increase than they would have gotten, they are going to get more because we are going to take it from those who make a lot of money and give it to those who need it.

The student loan program is another example of where my colleagues are just totally off base. Now, the student loan program, which was last year $20 billion under our plan, would go to $36 billion. That is a 50-percent increase in the student loan program. A 50-percent increase in the student loan program is not a cut. It is an increase. It is a 50 percent increase. So we are going to go from $24 billion to $36 billion. What did we propose? Republicans said that when the student graduates, they have 6 months in which they then pay the loan from that 6 months on. When they graduate for that first 6 months, that interest was paid by the taxpayer. We wanted the student to pay that interest from when they graduate to that first 6 months and amortize it over the course of a 10- or 15-year loan. That would have amounted for the average loan to $9 more a month to a student with an average loan of about $17,000, $9 more a month now that they have been out of school for 6 months. $9 more a month is the equivalent of, in my part of the country, the price of a movie theater and a small Coke or a piece of pizza. I have no problem telling the student for the good of the country that they can pay $9 more a month after they have graduated and are now working.

But that notwithstanding, we still spend the same amount of money, $24 billion to $36 billion, a 50 percent increase in the student loan program.

Medicaid, we are told that we wanted to cut Medicaid and that this is health care for the poor and nursing care for the elderly. That grows from $89 billion to $127 billion under our plan. Only in Washington when you go from $89 billion to $127 billion do people call it a cut, but they just did. They just did. Previous to my addressing Congress, my colleagues said we were cutting the Medicaid program.

Medicaid is the program, however, that I want to talk about in more detail.

We spent last year $178 billion, a lot of money. In the 7th year of our plan we will spend $289 billion. That is a 60-percent increase in the amount of spending that we will make in the seventh year as opposed to what we did last year. Now, only in Washington when you go from $178 billion to $289 billion do people call it a cut.

Now, people then said, well, you need more money because you have more seniors. If you have more seniors, you need more money. We do have more seniors. On a per person basis per senior we spend $4,800 on average per senior for Medicare. That is health care for the elderly and health care and other assistance for those who have disabilities.

In the seventh year we will spend $7,100. That is a 49 percent increase per person from last year to the seventh year, or the year 2002. Yet my colleagues on the other side of the aisle said we were mercilessly savaging Medicare. And yet it is going to grow 60 percent in total and 49 percent per person.

Now, what did we do with Medicare? We did not increase copayment to the senior. We did not increase the deductible. We did not increase the premium

except for the wealthiest of wealthy. The premium for those who are single, who are seniors who make over $125,000, they will have to pay all of Medicare part B. And if you are married and you make over $175,000, you have to pay all of Medicare part B. If you are married, $175,000, you pay all of Medicare part B.

So we did not increase the copayment, did not increase the deductible, did not increase the premium. What we also did, though, is we gave seniors choice. Right now a Medicare recipient has one program, a traditional fee-for-service. We allow them to keep that program if they want, but we then bring in the private sector, various HMO's, allowing hospitals and doctors to compete with HMO's, allowing for medical savings accounts, allowing for all these different programs. And the only way that these new programs can participate is that they offer something better than Medicare, because they have to draw people away from the traditional fee-for-service program. How do they do that? They do it by doing something very logical.

There is so much money to be made in Medicare, so many people are making so much money that the private sector can come in and give you better service. They can give you eye care, dental care, a rebate on the copayment, the deductible or premium, and some have even in certain areas said we can give a rebate, actually may pay all of MediGap. So now we have a Medicare program that grows from 178 to 289 billion. We did not increase the copayment, did not increase the premium. We allow the private sector to come in to offer eye care, dental care, a rebate on the copayment or deductible or the premium and maybe even pay all of MediGap. What was our one mistake?

We made a mistake. At least that is what the President said. What was that mistake? We happened to save $240 billion. Now, how were we able to do it? Instead of the program growing at 10 percent a year, we had it grow at 7 percent a year. How were we able to have the program grow at 7 percent a year? Because when we asked the private sector how much they would require to offer the same as the fee-for-service program, they said, if you put 3 percent more in the program, we can make money off the program and give you the traditional fee-for-service. We said, what happens if we give you 7 percent? They said, if you put 7 percent in the program, we can give better than the fee-for-service, we can give the eye care, the dental care, the rebate on the copayment or the deductible or the premium.

So now I am thinking about a program that does not increase the copayment, the deductible, the premium, gives seniors choices and saves $240 billion. Yet the President said, that is a cut. Yet we are spending 60 percent more totally, 49 percent more per person. And I was trying to think of how I would describe this.

The only way I can describe it, and it seems somewhat ludicrous, but it is really. I mean, I guess what I have to say is I never thought the President would veto the Medicare plan. Why would he do it when we did not increase the copayment or deductible or premium and gave seniors choice and saves $240 billion? I do not understand why he would have done that. There is no explanation for it.

It is just about as stupid as if I had said to my daughter, which I will not do, but if I said to my daughter, honey, I want you to buy an automobile and I want it to be full size because I want you to be in a big car. And I only have $16,000, and I want it to be a full size car. And I say that means you cannot, you can only get a cassette radio, you cannot get a CD and you will not be able to get a sun roof and leather seats. It is going to be a big size care and it is going to be stripped down. And give her this $16,000, and she comes back all excited and she says, Dad, I got the car. And Dad, you will not believe it; it has a sunroof and it has a CD and it has got leather seats. And I say to her, Jeremy, I told you you could not do that. You were not supposed to do that. I get mad at her because she did it because I wanted here to get a full sized car. And she said, I bought that full sized car. And by the way, Dad, here is a thousand dollars back. It only cost me $15,000.

Would it not have been stupid of me to say, you did something wrong? You got a better car with more things and you saved $1,000 and I say you cut $1,000? I think that is pretty stupid, but I do not think it is any different than what the President did. He basically vetoed a bill that had no increase in copayment, deductible or premium, gave seniors choice and saved the country, the taxpayers $240 billion.

Now, when I look at this program and I look at what we have been doing, I am trying to think of what happened in the first 2 years of the Clinton administration when they had their own Congress. There was talk that we were forced into passing a minimum wage bill. Some on our side supported it. But it is not lost on any of us that they did not attempt to pass the minimum wage bill when they controlled the House and the Senate and Congress. But when we passed the minimum wage bill, we did something more. We provided $8 billion of tax cuts for businesses that employed people who make the least amount of money, who in some cases need to be trained, who are on welfare. We are giving tax credits for small businesses so they can compete in a very competitive work environment.

We passed the welfare reform bill. That is a bill that the President said he wanted to pass and yet he could not pass it under a Democrat Congress. We passed it in this Chamber. He said it was too harsh. He said he did not like it and he signs the bill.

Now my colleagues on this side of the aisle have got to be careful when they talk about certain things they think are harsh and then sign onto them. They cannot have it both ways. We passed 13 budgets this past year. Our colleagues on the other side of the aisle said that some of them were harsh. I am not quite sure why they think that, but they were signed into law by the President. The President cannot sign them into law and then say they are too harsh, nor can my colleagues vote for it and then act like they did not vote for it.

What have we tried to do? We tried to get our financial house in order by cutting, truly cutting discretionary spending, making Government smaller.

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We want to return the power and the money and the influence, take it away from Washington, give it back to States and local governments, and the reason we want to do that is we think the Federal Government has a one-size-fits-all mentality. We think the Federal Government basically says, adds up all the people in the room, adds up their collective shoe size, divides the number of people and their collective shoe size, and says there is an 8½. I do not care if you wear a size 12, I do not care if you wear a size 6. Wear it. One size fits all no matter what part of the country you come from.

We believe that States and local governments can do it better. We also think that they can do it better without the Federal Government setting up a whole great deal of regulation and rules and a bureaucracy that siphons off 10, 20, 30 percent of what we choose to spend for the people who we are ultimately trying to help.

I look back and think of my 22 years in public life, and this summarizes what I think government ultimately should do because it is what we want to do for our own children.

I have a dad who passed away recently, but he used to come back from New York City because I was on the commuter line. My dad worked in New York from Darien, CT, and he would come home every night, and I was the last of four boys, and all my brothers were off in college and out of college, and we would read stories that he had read in the newspaper, and he would sometimes bring home an Ann Landers column that he thought was interesting, humorous, or instructive.

And Ann Landers said something that I think summarizes the feelings I have about what we are about in this 104th Congress. She wrote: In the final analysis it is not what you do for your children but what you have taught them to do for themselves that will make them successful human beings.

I believe a caring society has to teach people how to grow the seeds, how to farm the land, how to fish, not give them the food, not give them the fish. When we give them the food or the fish, that is a short-term effort; but when it goes from one generation to another generation, as it has both in terms of individual lives, in terms of corporate write-offs, in terms of agricultural subsidies, we make people dependent, we make them less efficient,

and frankly we have done something very cruel. There is nothing caring about constantly giving people the food without ultimately teaching them how to be independent.

And so what we would like to do for our own children and for our own families and the people we love, it seems to me ultimately we should do for those in our society who need the most help.

I believe this is the most caring Congress that I have ever, ever seen. I believe it is the most caring Congress because we are dealing with big issues; we are not sweeping things under the rugs as had been swept under the rugs for years and years and years under previous Congresses. We are trying to make our country self-sufficient, we are trying to make our constituents self-sufficient, we are trying to bring the money and the power and the influence back home where it belongs.

With that Mr. Speaker, I would like to yield back the balance of my time. If my colleague is here, I am not yet about to give it up, but I do not see him, but when I do I will yield it back, but just continue by saying that as a moderate Republican I take some real interest in the fact that this Congress that is deemed to be a conservative Congress is dealing with some very important issues, whether it is health care reform which we passed and the President signed into law, whether it is welfare reform, whether it was the tax cuts found in the minimum wage bill, whether it was the telecom bill that passed recently. We have a major agenda, some of which has been passed into law by President Clinton, others which have been vetoed. Sadly, he vetoed 2 welfare bills. Sadly, he vetoed our Medicare reform bill. Sadly, he vetoed our Medicaid bill, which was an attempt to allow State governments the opportunity to manage health care for the poor because, frankly, that is where you have seen the greatest reforms.

One of the things I am most proud about as a Republican is that 31, I think 32, of the 50 Governors happen to be Republicans. They represent 75 percent of all the American people, and the faith that I have in our plan to bring the money and the power and the influence from Washington to local communities, the satisfaction that I have, is the knowledge that we have had Governors, Republican Governors and Democrat Governors, who have made Medicare work on a State and local level, who are making welfare reform work on a State and local level.

The State of Connecticut has welfare reform, and one of the things we have done, which is a very caring aspect of this effort, is that in our welfare reform bill in the State of Connecticut, while we are pushing people off of welfare, when they work they are allowed to keep their welfare health care, and by their keeping their health care they are able to protect their families while they are working in a job that does not yet provide that. So our State is saving money as well by having welfare health care be under managed care, and the logic was if the average man and woman in this country has managed care for health care, why should it not also apply for those who have it as seniors who would take it by choice, not by requirement, or those who have it as welfare recipients who pay no taxes, who are getting health care at the taxpayers' expense; why should they not have managed care, and why would they not have better health care, and the fact is they have better health care by it being managed.

IMPROVING EDUCATION IN OUR NATION

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker and Members of the House, tonight I rise to talk about two very important issues; one, education, and how we move forward in this Congress and in Congresses to come as relates to education from a budgetary perspective. I would first like to bring to the House's attention a meeting that the Education Caucus held on July 31 of 1996. Right before we left for the August break we had a caucus meeting, and we talked about bringing businesses together to talk about how we can get businesses involved in improving education for our country because we feel that that, Mr. Speaker, is a relationship and a marriage that must be forged all across this country in order to improve the quality of education in this Nation. I am very happy that Senator WELLSTONE from the other body, who is the co-chair along with myself of this Education Caucus, cochaired this meeting with me, and we had several panelists who discussed various ways that the business community could help in improving education in this country.

One of the panelists, Mr. Speaker and Members, was Audrey Easaw from Giant Food. She was the project manager for Apples for Students Plus.

This is a very unique program that Giant Food market decided to institute in several States across the country, and we certainly urge other businesses across America to do the same, because when businesses actually take an interest in education in which they get dividends in the long run because, after all, these are the individuals that they will be employing to run their businesses. Giant Food market decided to embark upon a program where they actually go in and put computers in schools.

I mean you have heard the President and you have heard the Vice President talk about the need to put computers in every classroom across America to bring our kids into the 21st century and to also prepare them for the Superhighway, Information Highway.

Giant supermarket has already taken this challenge and accepted this challenge, and I am happy that, according to their testimony, Mr. Speaker, they are operating in four States, and what they choose to do is go into a school or go into a community, go into a State and actually put the computers, the software into the schools and help kids through the necessary tutorial programs where they train teachers and then help teachers train kids about computers and the necessary software.

One of the unique ways they raise money for this project is by taking a certain percentage of the gross receipts of individuals who are consumers who shop at their stores. So that also encourages people to shop and save their receipts and then give them to the school kids to turn them in at the next school day so that they can be credited at the end of the day for more and additional software.

So that is in fact, Mr, Speaker and Members, a program that I am very pleased about, and I want to put the testimony of Audrey Easaw into the RECORD.

They not only buy computers, but they also buy telescopes, microscopes, math equipment. TV's, VCR's, and other equipment that the school may need as relates to telecommunication and communications in general.

They have also established an adopt-a-school program, and I am talking about these programs, Mr. Speaker, because I want individuals to know what kind of impact businesses can have on schools, because there are many schools across America, quite frankly speaking, that just do not have the necessary dollars in order to improve the infrastructure, in order to improve the computer technology within the schools, and therefore businesses can merge or forge a relationship with schools and actually get a benefit as a result of it. They have an adopt-a-school program where they target over 10,000 businesses per year to challenge them to put matching funds from their employees. When their employees give money, then they challenge businesses to match those funds as well.

We have the opinion that government cannot do everything and cannot do it all, not only in education, but in any facet of our society. But when we have everybody pulling that wagon in the same direction, then we can get there a lot quicker.

So I would like to put the testimony of Miss Audrey Easau in the RECORD, and next I want to talk about a Mr. Norman Manasa. He is from the National Education Project Inc. who testified before the caucus, the Education Caucus. They started and initiated a nationwide tutorial program serving medium-sized cities. They decided to go into medium-sized cities and actually build schools and have a tutorial program to educate kids in math, reading, science, and other subjects, and they do it very intense. They actually go into a school and have schools to open up hours and actually have tutors on staff to help train kids in the necessary subjects.

I mean, that is another program that we saw to urge businesses to play a role, because we feel that that certainly will help strengthen our educational system all across this country.

No government funds are required for this effort. It is designed to directly impact elementary and college students as well. Undergraduate institutions are targeted and supported by corporate sponsors. Students are required to provide 60 hours of tutoring per semester as a part of a 3-credit course. So they also have the colleges involved, which is very unique because I mean if you can give a college student credit for going into the community and actually tutoring a kid, that is something that certainly not only builds this Nation educationally, but it also gives a student some sense of community service as well.

Decca Armstrong, who is from the National Cable Television Association, spoke of two of the cable industry's major educational initiatives.

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One is cable in the classroom, and cable's high-speed educational connection. Those were two important programs that he spoke of during the education caucus meeting. Since 1989 cable companies have worked with school districts. Approximately 75,000 schools nationwide have been provided free cable connection through this program. Thirty-five programs provide 540 hours each month of quality commercial-free programming. All of this is free.

Here again, this is where businesses play a very key role in helping our educational system across this country improve, not only from an infrastructural viewpoint, in terms of computers and actual physical plant of the building, but also getting into the classroom and dealing with the meat of the educational systems, teaching and tutoring kids about the different subjects.

Teachers are provided with instructional materials and curricula supplies to assist them in classrooms. This is very needed because there are so many teachers who work into classrooms every day and do not have the necessary tools to teach. So when businesses get involved and help supply teachers with the necessary school supplies, and the students, then it certainly makes for a better educational situation in that classroom. Because we can have the best classroom in the world, and if the teacher does not have the tools to teach, the books, computers, and other tools and resources, then very little learning will probably take place in that classroom.

Last, we heard from Mr. William Oliver from Bell South who addressed the Education Caucus on the availability of new technology and the availability of employees who are prepared to accept the challenges that corporate America is sure to present them. His perspective was more they are training many of their employees to go into the schools, because they realize that many of today's students will be tomorrow's employees. So they are training their employees, and they have a particular division, as I appreciated, of their operation to go into schools, inner-city schools, and teach kids about new technologies that are available.

It just goes to show you what can happen and what should happen when business and education connect, and I would like to put all of this information in the RECORD, because these are individuals who testified before the Education Caucus committee and did a great job. We certainly do not want their information, this information, to go unnoticed.

Mr. Speaker, next I want to talk about an initiative that the President initiated some weeks or a couple of months ago. We have often talked about how the Government can play a role in improving the infrastructure of schools across America. I am very pleased that the President decided to start an initiative to help local schools across America build their infrastructure.

As we know, there are many schools across America who do not have the financial wherewithal to improve their infrastructure. We all know that there is a serious problem with schools decaying. We have schools that are falling by the very bricks that are holding them up. We have schools that could not pass a code on any day of the week, but they are still open and they are still in the process, in the business of educating our children.

Our schools in many instances or in some instances are in worse condition than jails and other facilities in the area. So the President has made a decision, proposed a new initiative to help communities and States to help rebuild the Nation's schools. This is a very straightforward program, one that the Education Caucus supports. We have talked about it for a long time. We are glad that the President has taken the initiative to bring it to the forefront, and also put money behind it and support it as well. It is not a free-fall program, it is a program that will put about $5 billion into infrastructure building across America.

Individuals have to, quite frankly, start their new construction or renovate their schools, refurbish their schools, and 50 percent of the interest money they spend on building their schools or refurbishing their schools will be subsidized by this $5 billion program.

We have talked enough about refurbishing and rebuilding schools in America. We all know that is a serious problem and a serious calamity. In order for us to make our schools what they should be, it is going to take initiatives like this. It is going to take initiatives like what the business community is doing. We encourage more of them to do the same, to do so.

I would like just to talk a little bit about this program, and then I will yield to my distinguished colleague, the gentleman from Illinois [Mr. JACKSON] who I have been joined by, who is also a distinguished member of the Education Caucus, to further talk about the President's initiative.

Key elements of this program are very simple: Up to 50 percent of the interest subsidy for new schools, new school construction and renovation, one will be able to access under this $5-billion program. The initiative will reduce interest rates on new school construction and renovation projects by up to 50 percent, with a sliding subsidy scale dependent on the need.

So this is not where a school system, Mr. Speaker, can just walk in and say ''I want to benefit from this new subsidized program.'' They must have the qualifications in order to participate. It is going to spur about $20 billion in new construction. This $5 billion will end up being about $20 billion, based on the number of construction dollars that will actually be put into schools over a 4-year period.

The interest reduction is equivalent to subsidizing $1 out of every $4 for construction. This is something we have needed for a long time. Now poor school districts across America can now say ''We can afford to refurbish our schools, we can afford to renovate,'' and in some cases even build new schools.

The goal of the 25-percent increase in school construction over the 4 years is a very simple one. On average we spend about $10 billion a year in present dollars in school construction, $40 billion over a 4-year period, which means that we will, if we put $20 billion over a 4-year period each year, that will be substantial dollars in school construction. These are one-time construction initiatives, paid fully by the one-time spectrum auction that the President has decided to pay for this program out of. So these are not new tax dollars, these are money that will come from the one-time spectrum auction.

Local and State governments maintain the responsibility and control over construction. Still, education and construction is still the responsibility of local and State government. The Federal Government is not stepping in and seizing that responsibility. It is only assisting. I have often said, and I say today, that education is a partnership. It is not a State problem or a State responsbility or a local problem or a local responsibility or a Federal problem or a Federal responsibility. Education is a partnership. We all have to play a role in improving the quality of education for our kids.

Mr. Speaker, I yield to my colleague, the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Speaker, let me begin by taking this opportunity to thank the distinguished gentleman from Louisiana [Mr. FIELDS] for

being so kind as to allow me the privilege of participating in this special order.

I was in my district this past August, certainly there for the Democratic convention, but also in town hall meetings and working with constituents. I had the opportunity to talk to, as I do on many occasions, some young people in my district, some of whom were fulfilling their responsibilities with their summer jobs. Some of the young people for the very first time, it really set me aback, Mr. FIELDS, when one of the young men said he had three friends who had been to the university. I said, ''They have been to what college?''

North Carolina A&T State, that is where I graduated, and you went to Southern Louisiana in Baton Rouge, Louisiana. I said, ''What university did they go to?'' They said, ''No, we are talking about the university in Joliet.'' I know, as well as the gentleman probably knows, as well as millions of Americans know there is no university in Joliet. What he was referring to was the jail in Joliet. Now it is becoming more street language, if you will, more street-appropriate, to not refer to jail as a place of incarceration but to refer to it as a university.

My father always says that it is a real sad day in our country when jails are becoming a step up. After all, in jails they have heat in the wintertime and they have air conditioning in the summertime. They have three square meals a day. They have organized recreation. They have health care and medical attention while they are in jail. They have library facilities. They have organized religion; certainly spiritual development, even if it is done on an ad hoc or unofficial basis. You can get your high school diploma while you are in jail. You can get a GED.

For many people in my district, certainly in the City of Chicago and around the country, many young men are now joining their fathers for the first time in jails. This is the first time we are looking at two and three generations of young men and in many cases young women who are part of our penal system.

One of the reasons I am so impressed with the President's initiative to rebuild the infrastructure of schools in our Nation, what we are really trying to do here is put jails on an even playing field, a level playing field, with the schools. We want the schools to be raised to the levels where they become a real choice, a real alternative for our young people.

On President Clinton's proposal, this new initiative to help local communities and States rebuild the Nation's schools. Here are the realities. One-third of all schools, serving about 14 million students, need extensive repair or replacement. According to the GAO, about 60 percent of schools have at least one major building feature in disrepair, such as leaky roofs or crumbling walls. Over 50 percent have at least one environmental problem, such as poor indoor quality of air.

Second, schools do not have the physical infrastructure to allow our students to meet the challenges of the 21st Century. Many schools do not have the physical infrastructure to make the best use of computers, printers, or other equipment. About 50 percent, about 46 percent of the schools report inadequate electrical wiring for computers and communications technology.

We have already passed a bill in this Congress. Now we must update the schools so they can be the recipients, the much-needed recipients of the legislation we passed in this body.

Expected enrollment growth imposes an additional burden on many of these physical facilities. Many school districts also face the need to build new schools to accommodate this enrollment growth. Public school enrollment in grades K through 12 is expected to rise 20 percent between 1990 and 2004. So the President's proposal to spend $5 billion rebuilding the infrastructure of our Nation's schools is very timely and very important.

I realize we are both Members of this distinguished body, and I know we are both very supportive of this proposal, but I would encourage constituents of other Members to certainly call their office to let them know that they support this initiative. They can do that simply by calling 202–225–3121. Call your Member of Congress and say this is a very important proposal that should be supported.

There are the key elements to the President's legislative initiative, the school construction initiative, that we should highlight. Up to 50 percent interest subsidy for new school construction and renovation. This initiative will reduce the interest cost on new school construction and renovation projects by up to 50 percent with a sliding subsidy scale, depending on the school district's needs. There is $20 billion in school construction spurred by $5 billion in Federal jump-start funding over 4 years. The interest reduction is equivalent to subsidizing $1 billion out of every $4 billion in construction and renovation spending.

There is a goal of 25 percent increase in school construction over 4 years. National spending on school construction and renovation is currently at about $10 billion a year, or $40 billion over 4 years. By focusing on incremental or net additional construction projects, this initiative aims to ensure that at least half of the $20 billion supported by Federal subsidies would not be otherwise incurred, a one-time construction initiative fully paid by a one-time spectrum auction.

This part of the bill is controversial, because I have certainly raised concerns in my own district and certainly in my city about our constant using of spectrum auctions for the purpose of financing these projects. But who can deny that rebuilding the infrastructures of our schools does not warrant the need for us to consider selling additional spectra, particularly between channels 60 and 69, to help jump-start this proposal.

State and local governments must maintain responsibility and control. The States would administer the bulk of the subsidies, while the largest school districts would apply directly to the U.S. Department of Education.

Let me just add this, Mr. Speaker. In my district, particularly in the south suburban part of the Second Congressional District, we have seen the steel industry leave. We have seen large manufacturing jobs leave our area. Therefore, we are now putting a disproportionate amount of the education and the local municipality's burden for social services on local homeowners.

One way beyond the welfare bill to put people back to work is to get industries to relocate to these areas so they can share their fair share of the tax burden. But in the absence of industries that are getting to these areas, we have declining schools in Harvey, in Markham, in Phoenix, in Dixmoor, in Ford Heights, that need a boost that only the Federal Government at this time can provide.

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Mr. FIELDS of Louisiana. I want to thank the gentleman. I want to share with the gentleman also some statistics from his State as well as my State as relates to the GAO report, the recent report, as relates to the infrastructure of schools across the Nation.

I do not know if the gentleman is aware, but if we take the State of Illinois, the percentage of schools reporting at least one inadequate original building in Illinois is 29.2 percent of the schools and in Louisiana, 28.0. So from that perspective, Illinois and Louisiana, as most of the schools if we look at the chart, we see schools across the country in the teens, high teens. Florida 18.3, Georgia 18.5, Hawaii 16.3, Idaho 27.4, Kansas 33.7. When we talk about the percentage of schools reporting at least one inadequate original building, it is a devastating number or percentage as relates to this report.

Then the percentage of schools reporting at least one inadequate attached and/or detached permanent addition, in Illinois, your State, it is 8.8 percent. In Louisiana it is 8.7 percent. Here again the numbers in Louisiana and Illinois are somewhat the same.

On page 33 of the GAO report. The percentage of schools reporting at least one inadequate temporary building in Illinois, your State, 4.4 percent, and in Louisiana which is, I think Louisiana almost leads the Nation from this perspective, 24.8. South Carolina with 29.4.

It just goes to show how schools all across America, we need to invest in infrastructure. Just the other year we passed legislation that put $30 billion, actually about $12 billion, $17 billion in building jails. What is wrong with putting $5 billion in helping local and State government refurbish their schools.

Percentage of schools reporting at least one inadequate onsite building, 31.0 percent in Illinois and 38.6 percent in Louisiana. Very interesting numbers. We can go down the list and we see that many of our schools across America are in great need of repair.

I was looking at page 66 of the GAO report where it talked about the description of the estimate in terms of what it would cost to get schools into a status where they should be in terms of improving infrastructure. Very interesting numbers. Nationwide, the total amount estimated needed to put American schools into good overall condition, GAO estimated that it would take $112 billion. That is an investment we have to make to our children not as a Federal Government, I am talking State, local, Federal, business, we all must come together to improve the quality of education. We cannot expect kids to learn in a school that does not have an air conditioner during the summertime. It just does not make sense. Or a heater during the wintertime. For crying out loud, if a prisoner was in prison and they did not have an air conditioner during the summertime, then some Federal judge would close the prison down. We have to make sure that we invest in our future.

Mr. JACKSON of Illinois. If the gentleman will yield, it would be cruel and unusual punishment. For students to be in school without adequate heat in the wintertime or air conditioning in the summertime, I think it is cruel and unusual punishment. Would the gentleman agree?

Mr. FIELDS of Louisiana. Absolutely, no question about it. The education caucus, as the gentleman knows, we have made it a point not to bash members, to make it a partisan issue, because education is not a partisan issue. It is a nonpartisan issue. Both sides of the aisle agree that we must improve the quality of education. We have to get out of the business of pointing fingers because while we point fingers, we have kids out there who do not have the kind of schools that they need, that are conducive for learning, teachers that are not paid the kind of salaries that they deserve in order to live, in order to take care of their day-to-day expenses like a house note, a car note, and things of that nature.

Further, the average amount estimated needed per school, this is an interesting figure, $1.7 million. That is the average amount, according to GAO, that is needed to repair a school, $1.7 million. We ought to have a summit with Federal, State, and local officials to talk about how we get these schools up to par.

You cannot open a barber shop in Baton Rouge, LA unless you pass all of the fire codes, unless you pass all of the city codes. We had schools open up yesterday, I grant you in Baton Rouge, LA, and Chicago, IL, and in Washington, DC, that could not pass a code, a city code, if they tried.

Mr. JACKSON of Illinois. If the gentleman will yield, six schools in Washington, DC, did not open for the very same reason that the gentleman is speaking of.

Mr. FIELDS of Louisiana. I think we have to press that issue. I think we have to get real serious about the safety and soundness of our schools and the conditions of our schools for the interest of not only the students and the teachers but for the interest of education, period. I think we have to send a very strong message that if a school does not pass the necessary codes, if it is not up to par, then it should not open.

I am one of the strongest advocates, as the gentleman is, in this House as relates to education. But I do not think we ought to allow schools to open, schools that do not meet the code, because we will not allow a person to open up a barber shop, and one cannot opine the thought that we have more than interest in a barber shop or a shoeshine shop than we have in a school, an elementary and secondary school.

Mr. JACKSON of Illinois. If the gentleman will yield further, one of our colleagues a little while ago on the other side of the aisle indicated that a part of the welfare initiative was to move tax consumers off of the welfare rolls and make them productive. Who can argue with that? We want to move people who consume taxes off of the welfare rolls. But the only way to move them from our perspective off of the welfare rolls is to take a tax consumer and make a revenue generator out of them. Someone who generates revenue obviously has a job. When people have jobs, they pay taxes. When taxes are paid, deficits go down, interest rates go down, and people who pay taxes also pay to local governments, they pay to State governments and they also pay the Federal Government. That is how we can rebuild the infrastructure of these schools. But there is a presupposition there that we have a plan to put people to work, to move them from welfare to work. That is clearly the next phase that we find ourselves in.

I would like to just use two examples for some of our colleagues who may be listening in their offices. Let us take the town of Ruraltown, USA. A typical problem. The town of Ruraltown has three schools in need of major renovations to improve air quality ventilation and the roofs. Typical cost to repair of these schools is expected to be about $5 million. Some of the typical obstacles in Ruraltown. Ruraltown faces difficult challenges in renovating its schooling. Its tax base is too small to pay for the necessary renovations, and bond financing is obviously too expensive.

Here is the impact of the President's proposal on this school construction initiative. It reduces local cost of school construction. The President's proposal would cut the interest rate paid by Ruraltown in half. This would save the town more than $1.7 million in interest cost over the life of the $5 million bond. This is equivalent to saving $1.2 million immediately, a savings of roughly 23 percent off the face value.

Let us look at Metropolis. I represent the city of Chicago and I also represent Ruraltown. In the city of Metropolis, Chicago, IL, typical problems. Like cities across the Nation, Metropolis has a large school construction and renovation need. Two of its schools need major renovations, including plumbing and new roofs, and an additional elementary school is needed to accommodate a rapidly growing school age population. Here are the typical costs. The repairs and two new school buildings are expected to be about $10 million, $2 million each for the major renovations of the two existing facilities, and about $6 million for the new elementary school.

The typical obstacles: Despite the clear need for the repairs and the two new schools, the school board has been reluctant to propose issuing a bond when it could be rejected as too costly. As a result, only emergency repairs funded out of an operations account have been undertaken.

Here is the impact of the President's school construction initiative. It reduces the local cost of school construction. The President's proposal would cut interest payments in half, saving Metropolis $5 million in interest costs over the life of the $10 million bond. This is equivalent to saving about $2.9 million immediately, a savings of about 29 percent off of the face value. I think this is a good initiative that should enjoy broad bipartisan support.

Mr. FIELDS of Louisiana. Absolutely. I think the President is so right on this initiative. And if others, local, State, and the business community will all join hands and do something similar, just work with this initiative or have one similar to it, we can refurbish, rebuild and have new construction of schools all across America so we can give our kids an opportunity to learn again.

We cannot, and I have said it over and over again tonight, we cannot expect learning to take place in a classroom when you have students walking in the classrooms all across America that do not have the proper tools. What purpose does it serve when we have students sitting in classrooms when they do not even have the proper textbooks? We have three and four students sharing the same textbook. We have some students that do not have a textbook at all. These are real situations that teachers have to deal with on a day-to-day basis. We have to address that calamity. The biggest national threat we have in this country is how we deal with education and how we deal with illiteracy. We have to give our kids a fighting chance.

A final example. Who is committing crimes in this country? Over 83 percent of the people in jail are, what, high school dropouts? The people involved

in drugs for the most part, many of them are high school dropouts. Most of the people who are unemployed, high school dropouts. We have to do a better job of retaining our kids in school and do a better job of educating our youth.

I see we have been joined by the gentlewoman from Texas [Ms. JACKSON-LEE]. I will be happy to yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Louisiana and certainly the gentleman from Illinois. I could not help but listen to your very effective and pointed advocacy for the education of our children. I was working in my office and as I listened to you, I was engaged in a conversation with a Carol Douglas, a constituent who is executive director of the NAACP in my district or in the community of Houston. We were talking about a program where we would be passing on the torch of leadership of the NAACP to young people throughout the community. As I listened, it seemed so much in line with your discussion, because education helps to pass on the torch to our children.

I am reminded of the weeks that have just passed. We have had several conventions, both Republican and Democratic. It saddened me to hear the discarding of something that I think all Americans have accepted. As I recall my early pioneer history, if you will, when we studied the history of early America, from the colonial days to the charge and challenge, go west, young man or young woman, it was communities that built up around issues involving thriving or growing. So, for example, in the colonies, it was the community that built a school. In essence, it takes a village. When the pioneers went west, in fact, as I understand it, they gathered in certain areas and they did not live 10 blocks away from each other or 20 blocks, they lived sort of in a very close radius of each other and it was a community, in essence, the village, who built the public school. Out of those schools, those log cabin schools came the concept of public schools which helped to make America the world power that it became as it moved into the 1900's and then as it moved into the 1930's and 1940's as we began to educate and submit to the world Nobel Peace Prize winners such as Dr. King, Nobel laureates in literature and science, it came out of the infrastructure of the public school. So I am taken aback that we would even have a discourse or discussion where one party seems to be castigating the reality of how important it is to have a system, a public school system along with a private school system and charter schools but a real system that puts children first. I applaud the President. Because let me say to you, you gave examples of rural America and metropolis, I come from the fourth largest city in the Nation. We just enjoyed your very fair and fine city. I want you to know, we started out this school year with collapsed school roofs. We had a closed school, not because we had a hurricane or a tornado but out of the wear and tear, those children who hungered for education. In fact, we saw the little preschoolers and the kindergartners with tears in their eyes because they were not going to be at their school, the school in fact that their mother, their father, their grandparents because it was a community school, it had some years on it, their neighbors had gone to, collapsed roof.

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This was not the only school that was suffering from that problem. I support both the Education Caucus leadership and the President's leadership, who I can call the Education President, that with a mere $1.7 million per school would have allowed those children to open their eyes to knowledge by going into that school for the very first day.

It is interesting that in addition to this question of school buildings, we found that our schools opened where children did not have school supplies. There were various campaigns to ensure that children have school supplies.

Now, I read a letter to the editor, and they said they have always fed their children, they do not believe in school lunches, and I would imagine that same writer would say they did not believe in helping youngsters with their school supplies.

I can assure you that working mothers, working parents, single parents who work very hard to get their children to school, it is a burden to get the school supplies. So we have a whole realm of concerns that face us in trying to educate our children. I was glad to participate with several corporate partners in Houston to try to get some school supplies to the most needy of the children.

When we disregard the value of education, I think we throw away the 21st century. We in Houston recognize that we have to be part of the entire country when it comes to education. You cannot be isolated on this issue. You cannot make it a partisan issue. You cannot disregard the community's interest, the village interest in educating a child.

We have schools that do not even have computers. I heard the gentleman from Louisiana [Mr. FIELDS] talk about the bare essentials such as textbooks, current textbooks. We are going into the world of the superhighway, and as we passed the Telecommunications Act, one of the concerns of many of us, the Education Caucus, was out front and forward on having the Internet be accessible to our schools and libraries. Now that the law is passed, it behooves us not to sit back and watch the progress, without ensuring that the inner-city schools and rural schools and schools that typically would not be at the forefront of high-income children or high-income families share in this, and we certainly applaud those who are able in this country to be able to access the Internet.

I will be joining our local school district on Net Day, where we will have 4 days in October to bring in volunteers. That is how we have to do it, bring in volunteers to try to make sure that our schools are accessible to the Internet and that our children have the Internet.

I heard you discuss that before I came over, that you were talking about technology and the importance of technology. Well, this plea going out for Net Day '96 is saying we need you to come volunteer, because obviously there are not enough funds. We are going to make sure that those who benefit from the telecommunciations bill, and they have already joined in on that, so this is not an indictment, but that they will embrace these schools and make sure they have the right kinds of computers.

I have been to schools in my district where children are lined up to use one computer, and the computer is outdated. So it takes me a back a little bit to even hear some of the rhetoric about how we can educate our children, or leave it to the communities, or it is too costly to renovate these schools.

The gentleman from Louisiana [Mr. FIELDS] has been speaking about this for a period of years. I hope that this Congress can rise to the occasion and join in on this effort, that we may reach the hamlets and towns and cities that are now missing the value of a clean and dry and good education, because they are in facilities that are in total disrepair.

Let met just add this point as I listen to your further debate as well. It bothers me when we can take it to such a level to begin to label teachers. I heard a discussion of Teachers' Unions. I have had teachers all during the month of August right after that statement was made in a public setting at the convention, the Republican convention, wonder why they were under attack? These are teachers that have taken their summers to work in our schools, to help our children get ahead. These are teachers that work after hours and do tutorials. These are teachers who sacrifice because they believe in our children. These are teachers who buy clothes for our children who may not have all of the needs.

So I hope we take a different spin in the Education Caucus under the leadership of the gentleman from Louisiana [Mr. FIELDS] that we know that teachers are a partner with us in trying to educate our children, along with parents, community, church, and government. I hope that we will not be in the business, if you will, of castigating any group that raises itself up as a vehicle of helping to educate our children.

I know that I will leave this week and go back and interact with our children in the schools and interact with teachers and make myself available to be of assistance, to be of help. So I applaud this one hour that you have been focusing on this, because it burdened me throughout the whole time that we

were in our districts, of this importance of education, and what my children in the 18th Congressional District needed to make them equal partners in the world. I hope this Congress rises to your challenge.

Mr. JACKSON of Illinois. Will the gentleman yield for a question?

Mr. Speaker, my colleague mentioned schools in her dsitrict where the roofs had actually collapsed. What local initiatives are taking place in her district to repair those schools and in what way could the President's proposal help subsidize those initiatives?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for that question. We have attempted, in fact I think the President's initiative is going to help spur us on, because we attempted to pass a bond election. Unfortunately, we were not successful, because I think the clear message of the need of our children did not really hit the voters.

More importantly, I think that they were confused as to how we could best leverage those bond dollars with a Federal effort. Now with the President's effort, we stand in a much better stead to partnership with our local voters and to partnership with the President to do the right thing for our children. So we have been challenged by the President's initiative. That will be an initiative that will carry us very far as we plan to work with his program and ensure that there is real local participation and that the right information gets to our voters and our parents, who are saddened by the loss because of confusion offered by those who are always challenging government in terms of taxes, giving wrong information.

Now I think we have the right information and the right leadership by way of the President with this initiative to help local communities like Houston and the school districts there.

Mr. JACKSON of Illinois. If I may, I would like to share with the gentlewoman an instance in my district. There is a high school called Bloom High School located in a south suburb and area in my district, and we tried twice to pass a referendum whereby we would increase property taxes to roughly the cost of a can of soda. And what actually ended up happening was it failed twice.

So we sent our workers into the field to find out why we could not pass this referendum. A little bit about the school: This school begins classes at 9 o'clock in the morning and roughly ends about 1 o'clock. We cannot afford to pay the teachers a full salary. This is a high school with a tremendous amount of students. Even one of our more famous syndicated columnists is a graduate of this particular high school.

We found that our senior citizens whose incomes have basically stagnated, who would traditionally vote to help students and pay for more and better schools, decided to vote against the referendum because of their stagnated incomes. They do not feel they can afford even the equivalent of a can of soda or a bag of potato chips a day to help subsidize the local school. The middle class in this area, their incomes have likewise stagnated. So the students were caught in the middle, the school almost closing. The State funding formula in our State is a little regressive. Therefore this particular school district does not have the same kind of funding that schools in the northern part of the city of Chicago or other more affluent suburbs have.

So I certainly recognize that the gentlewoman's concern about schools in her district are very similar to referendums that we have fought in our district. Voters want to vote for better schools, but if their incomes have stagnated and they do not feel that a can of soda or a bag of potato chips is worth the increase because they do not see the real, if you will, the real dividends in terms of cost-benefit to their actual contribution to the school system, then our students again are caught in the middle.

Mr. FIELDS of Louisiana. I thank the gentleman. While we are on the subject of Illinois, I had an opportunity during the convention to visit your State and your district. The most impressive thing that I saw during that convention, during my week stay in Illinois, was the fact that young people came together. The refurbished a school in Chicago, Area Academy, which as a matter of fact you had a lot to do with that.

Because of your insistence and because of your commitment to schools, we were able to get young people together to go, as the gentlewoman knows, and paint and clean and scrub bathrooms and just refurbish the Area Academy. Now that school is open to first through third graders. I think they started school today or yesterday. And that was because of the work, the sweat of young people.

Now, but for that effort, that community effort, with young people actually going into that school, and they felt good about it. Just to see young people doing that, and feeling good about it as a project, and you see the little kids in first through third grades just sitting there coloring, making nice little signs because administrator Carol Browner, for example, was one of the persons who went in and actually scrubbed and cleaned and painted. It was just an amazing thing.

Mr. Speaker, if more people across America just took the time to take a little time to go into schools and refurbish them, repaint them, you just should have seen the smiles on those kids' faces. I enjoyed it.

Mr. FIELDS of Louisiana. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Before you leave that point, there is such a joy in your comments about that, and that was a very fine example, because you hit home with what happened in our community. I did not in any way intend to suggest that there were not the good folk across the community who care about children. But obviously they can be guided in another direction when they hear maybe a small core of individuals focusing only on one aspect, which is the cost, recognizing that a vast number of people are dealing with stagnant income.

In fact, some of our seniors had been hearing the stories of cuts in Medicare and cuts in Medicaid for our children. So they were kind of really concerned listing to the debate on the House floor by the Republican majority of cutting their Medicare. With that in mind, all of that impacts of decisions how you expend dollars. Obviously a bond election means an increase in taxes.

Let me compliment the districts for sucking it in, if you will. With the meager funds they had, they got themselves together to fix those schools that needed to be fixed. But in fact the example that you cited out of Chicago, and this initiative in cooperation with our President and the education caucus advocacy, that includes funding for schools in terms of renovation, but also the value of the community coming together with young people to say we love our schools too. This is our school and we love it too.

Mr. Speaker, we have had examples of our young people eliminating the graffiti, for example, and painting the walls. So it is important for America to know the value of youngsters who themselves value education. How can we do less for these youngsters by letting them down, by having them attend schools in rural and urban areas where the roof will fall in? What is $1.7 million, not with any disregard for the cost, but in terms of an investment in your child's future?

And what can we take from the history of America, where public schools have been the mainstay, if you will, of educating most of America? Any orator that you want to call, any scientist that you want to call, any educator that you want to call, you can find them tracing their roots at some point to an early education by the public schools.

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I think that we have a lot of way to go, but it is important that we focus on education for our children.

Mr. FIELDS of Louisiana. It is like the unique bumper sticker that we have all seen in our travels, if you can read this, thank a teacher. You cannot put it any more pointedly than that. If you can read this, thank a teacher.

Mr. JACKSON of Illinois. Mr. Speaker, if the gentleman will continue to yield, I know that the distinguished gentlewoman from Texas spent a considerable amount of time engaging in the debate that took place on the floor of this Congress. I know she was very active in the committee. I think we have to move now, though, to the meat and the potatoes of this initiative.

It is easy for this initiative, in 1996, during this particular period, to be

called campaign rhetoric and empty promises, unless we move our discourse to how are we going to pay for this. Can this be paid for. I know that not long ago we passed an appropriations measure in this Congress that increased the military budget by $7 billion more than the President requested. I know that we are talking about balancing the budget in 7 years using CBO numbers. The President has made that commitment. We have heard those numbers mentioned on both sides of the aisle. Whether or not it is actually doable in 7 years is another issue. But I do not want this proposal, and I think the gentleman from Louisiana and other members on both sides of the aisle, they do not want this proposal to get lost in pork barrel election year rhetoric. Can we afford this proposal?

Ms. JACKSON-LEE of Texas. Mr. Speaker, absolutely. Primarily because already we have gotten a commitment, and many of us have, as the gentlemen here on the floor, have engaged vigorously in debate on the balanced budget amendment. It is interesting, for those of us who come from urban and rural America, to say to Americans, we are not afraid of a balanced budget. I think it is a question of priorities. And when you get some $7–8 billion more than not only the President but the Defense Department wanted, then we have a problem.

Yes, we can. And education can be comfortably funded without an excess burden on taxpayers in America, with reasoned tax cuts that have been offered, such as the mortgage tax deduction. As we are well aware, the education tax benefits that may come. It can be funded. We should realize that and the President has both that program and both that structure that can allow us to enhance education and also balance the budget.

Mr. JACKSON of Illinois. Is this another big government program that is coming from Washington, DC, another big bureaucracy that we are trying to create? I am sure we will be hearing a lot of that.

Ms. JACKSON-LEE of Texas. What I like about this program is that it partnerships with local government. There is one thing about local government, it is under scrutiny. And, therefore, when you say moneys are designated for renovation, repair, rehab, internet, or computers or books, you can be assured those parents, those teachers, those librarians, those students will be there with an eagle eye making sure those funds are expended well. I do not think this is pork barrel. We have a way of paying for it. These are not empty promises. How can we make empty promises to our children just 4 years away from the 21st century?

Mr. FIELDS of Louisiana. Mr. Speaker, as the gentleman knows, if he is speaking of the $5 billion program, under the President's proposal, it would be paid for by the selling of the spectrums. So the $5 billion program is in fact paid for or will be paid for. An expanded program, I do not know if the gentleman was speaking of an expanded program, a serious problem in terms of the number of dollars we need to improve all of the American schools. It was in the billions, I forgot the exact number. But we have to focus on it. I think it has to be a partnership between local, State, and Federal government.

Mr. JACKSON of Illinois. Mr. Speaker, I think that the leveraging, I might add, of the $5 billion, the GAO has also suggested that it could be upwards of $20 billion when you consider local and State and even private funds that would go into such an initiative.

Mr. FIELDS of Louisiana. These dollars are the dollars for the interest subsidy. You have to spend money on the construction first in order to benefit from the dollars, the $5 billion, because the $5 billion is not, they are not construction dollars per se. They are the interest, 50 percent of the interest of construction dollars. That is why we have come up with the figure of about $20 billion over a course of 4 years, $20 billion a year, actually.

Let me add a couple other things just to shed some light on how serious this problem is across the Nation.

I am about to read from the GAO report, page 16. They did an extensive report, and I think the gentlewoman, Senator MOSELEY-BRAUN, ought to be commended for requesting such information. About a third of all, about a third of the students in America, which is about 14 million, attend schools with one inadequate building. About 60 percent of the students in America, which is about 25 million, attend schools with at least one inadequate building feature. The same number, about 25 million, attend schools in buildings with at least one unsatisfactory environmental condition which means asbestos problems are still a real problem within our school systems. About 12 million students, 30 percent, attend schools with both problems, at least one inadequate building, one inadequate building feature and some problems with the environmental aspects. So it is a real problem that affects schools all across this Nation.

Looking at this report, there is not one State in this country that is not affected. Every State in the United States of America is affected by this school infrastructure problem.

Mr. Speaker, I have about 5 more minutes. I yield to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much. As I conclude my remarks, let me challenge those in my local community and the State of Texas to secure a copy. We would be happy to help them secure a copy of that GAO report. I do want to acknowledge Senator CAROL MOSELEY-BRAUN, for that is a both devastating but a very vital report on the Nation's children.

Might I add another aspect of the needs of schools and that is overcrowding. How many of us faced this school year the fact that we did not have enough space in some of our schools that might have been in good repair to even come to the school and sit in classrooms or enough teachers to teach these children?

I think the more that Americans hear about the needs of our children, I think they will discard the rhetoric of big government. Because what we are talking about is getting right back home, not big government and large offices here in Washington. It is information that we need to assist our local school districts, our parents, our teachers at home. I think the leveraging of those dollars will be vital but we face both overcrowding and disrepair. And we also face the lack of resources for high technology.

So I thank the gentleman for this time and will recommit myself as a member of the Education Caucus to translate a fiscally responsible budget back to the children in our community.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Speaker, I thank the distinguished gentleman from Louisiana for his outstanding work in this area and also join him as well as the distinguished gentlewoman from Texas in congratulating the senior Senator from the State of Illinois, CAROL MOSELEY-BRAUN, for her outstanding work in this area.

Why do we have this problem? We have this problem in part because of irresponsible supply side tax policies of the seventies and the eighties that really put our Nation and our Government into a deep hole. The past 15 years we have seen incomes stagnate for most Americans, particularly middle-class Americans, while their Federal taxes have unfortunately risen. But the reality is that the only way we are going to be able to repair our Nation's schools and put our children back on track is not to make any more proposals, any more voodoo tax proposals.

These buildings, this infrastructure that needs to be fixed is going to cost and we are going to have to pay for it. We either pay for it in the form of rebuilding the infrastructure of our schools, putting legible and good books in the hands of our young people. Some students are reading books where Nixon is still the President. That is no longer obviously the case.

So I want to take this opportunity to thank the distinguished gentleman from Louisiana for this opportunity, thank SHEILA JACKSON-LEE, the distinguished gentlewoman from Texas, for joining us and thank the Speaker for his indulgence.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank both the gentleman from Illinois and the gentlewoman from Texas for first of all serving on the Education Caucus, and I want to thank Members from both sides of the

aisle who serve on the Education Caucus. We must make education a priority.

Mr. Speaker, I include for the RECORD speeches and articles on the Education Caucus.

I thank the Speaker.

SPEECH FOR CONGRESSMAN CLEO FIELDS' EDUCATION CAUCUS

(Speaker: Audrey L. Easaw, Marketing Projects Manager/Project Manager, Apples for the Students PLUS, Giant Food Inc.)

Good morning (afternoon);

First of all, on behalf of Giant Food, I want to thank Congressman Fields for inviting me to talk to you about Giant's role as a corporate supporter of the elementary and secondary schools within our market area. We commend Congressman Fields for spearheading this much-needed education caucus and we appreciate his vision for involving both the private and public sectors to assist in improving our educational system.

I'd also like to introduce to you Donna Carter, senior coordinator for Giant's Apples for the Students PLUS Program. Donna and I have been with the program since it's inception. Donna does a tremendous job of maintaining a sophisticated data base of over 3,200 public, private, and parochial schools throughout the Mid-Atlantic region. She's also responsible for overseeing the day-to-day operation of our Apples office.

Let me preface this talk by stating that I do not come to you as an expert on the educational system, but rather as a member of the corporate community who has witnessed first-hand, the magnificent impact that business can make on the education of our youth when both monetary and manpower commitments are made—and kept.

Giant Food is no stranger to the education system both inside and outside of the Beltway. Over 50 years ago, we saw the need to become more actively involved within the communities that we served and that had been consistently loyal to us.

I have had the extremely good fortune to work with an organization whose former CEO, the late Israel Cohen believed that assisting in the education of our youth was essential to becoming a successful member of the business community. Izzy believed that the support of education should not be tied to sales. He felt strongly that educational programs such as the 35 year-old ''It's Academic,'' high school television quiz show and our eight year-old Apples for the Students PLUS are simply the right initiatives for Giant to support.

And there is no question in my mind that the children in over 3,200 schools that have been the beneficiaries of one or both of these educational programs will remember the Giant name for years to come. Whether they shop in our stores as they grow older or whether they mention to others in their communities that Giant provided scholarships or contributed computers that could not have otherwise been obtained by their schools, the children will remember. And that makes these sponsorships well worth every dime and minute spent by Giant.

Giant's commitment to education started in 1959 when our founder N.M. Cohen announced that Giant would grant five $1,000 scholarships, a small beginning. Then in 1967, we began sponsoring the award-winning ''It's Academic'' a ''college-bowl'' formatted TV program which showcases the academic excellence of high school students. Giant has awarded in excess of $2 million to participating schools in the Washington and Baltimore Metropolitan Areas. (These scholarships enable students to pursue higher education at some of the best schools in our Nation.)

Apples for the Students was first introduced to us in 1989 by Terry Gans, Giant's vice president of advertising and sales promotions. Terry saw the opportunity for Giant to begin placing computers and other technology in our schools during a time when school budgets were being cut to bare bones almost daily. Based on findings from a survey conducted by an outside marketing firm, we determined that elementary and secondary schools were the schools that faced the most extreme budgetary cuts. Today Giant maintain a staff of nine associates who are responsible for serving schools in Maryland, Virginia, the District of Columbia, Delaware, New Jersey and beginning this fall, Pennsylvania. That's how committed we are to making sure that every school in the areas we serve receives needed educational equipment.

For the benefit of those who are unfamiliar with Giant's Apples Plus, the program works quite simply: Schools are asked to save their special colored receipt tapes from Giant and super G stores, total them, and turn them in to Giant for free educational equipment. This equipment is paid 100 percent by Giant.

In fact, Giant is extremely proud of the fact that since October, 1989, we have spent over $42 million for educational equipment alone. This figure does not include staffing and administrative costs, or advertising. It translates into over 135,000 computers, printers, software packages, CD-roms, telescopes, microscopes, math equipment. TVs and VCRs and other learning tools.

A major component of our Apples for the Students Plus program, is our Adopt-a-School plan. We sent invitations to over 10,000 businesses each year asking them to consider adopting an equipment-challenged school by setting up a tape collection box at their business for employees and customers to donate their tapes. We also ask businesses to consider matching their receipt tape collection with a cash gift made directly to their adopted school.

What we have found is that even this type of limited commitment by our Adopt-A-School business partners, goes a long way toward effecting change in our schools and creating good-will not only for Giant, but for scores of other businesses in our community.

At Giant, we believe we've made a difference, especially when we hear that a school has built a new computer and science lab to accommodate equipment earned through Apples for the Students Plus. But we still believe there's so much more to be done. And we welcome your partnership to assist in opening up an exciting new world of educational opportunities for so many more children. Thank you.

REMARKS BY NORMAN MANASA, DIRECTOR, THE NATIONAL EDUCATION PROJECT, INC. BEFORE THE EDUCATION CAUCUS OF THE U.S. CONGRESS—JULY 31, 1996

REPRESENTATIVE FIELDS, SENATOR WELLSTONE, MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES AND THE U.S. SENATE, HONORED GUESTS, LADIES AND GENTLEMEN: I am very honored and delighted to have been invited here today to discuss The National Education Project, Inc., and to describe the Project's 20-city initiative, which is designed to provide reliable, profoundly effective tutors on a massive scale to children in the elementary schools of 20 medium-size cities across the country, cities such as Dayton, Ohio; Richmond, Virginia; or San Diego, California, for example.

The tutoring is done by undergraduates as part of a three-credit college course, and each undergraduate is required to produce 60 hours of tutoring per semester. As a result, 20 programs in one city will provide a total of 126,000 hours of tutoring to children in that city's elementary schools over a three-year period (that is, 20 programs x 105 undergraduates per program x 60 hours of tutoring produced by each undergraduate). The National Education Project's 20-city initiative will produce a total of 2,520,000 hours of tutoring (that is, 20 cities x 126,000 hours of tutoring produced in each city).

The purpose of this initiative is to transform the elementary school systems of 20 medium-size cities, and show to the nation the profoundly beneficial effect that reliable tutors on a massive scale can have on entire school systems. There would be a limit of one city per state, so that, when fully operational, a minimum of 20 states would be involved.

No government funds, Federal, state, or local, are required for this effort. Instead, as it has done in the past, the National Education Project will solicit funds in each city from corporations, foundations, law firms, and from the general public. The Project will use these funds for three purposes: [1] to provide 20 grants to colleges in each city in the amount of $25,000 per grant (that is, 20 cities x 20 grants per city x $25,000 per grant); [2] to contract with an independent third party to systematically evaluate the effectiveness of the tutors; and [3] to underwrite the cost of operating 20 programs in each of 20 cities across the country.

It should be pointed out that we do not actually need 20 different colleges in each city to participate, since one college can operate several programs at the same time. Five colleges in one city, for example, could operate four programs each. In that event, the National Education Project would provide each of the five colleges with four grants in the amount of $25,000 per grant; that is, one $25,000 grant for each of the departments participating.

Once 20 program are in operation in each of 20 cities, the National Education Project then will begin the second stage of this initiative, which will be to find another 20 medium-size cities across the country willing to mount 20 programs in each city. This will produce another 2,520,000 hours of tutoring (that is, 20 cities 126,000 hours of tutoring produced in each city). We will repeat this process until we have transformed the school systems of every city in America that wishes to participate.

The National Education Project, Inc. is a non-profit, 501(c)(3) tax-exempt corporation with two main purposes:

(1) To encourage colleges and universities across the country to offer courses in the Humanities and Social Sciences that combine experience and theory at the same time and provide undergraduates with a more realistic education than they can get through courses that provide only classroom theory. In a word, these courses are designed to inject experience into the search for Truth.

(2) To provide reliable and effective tutors on a massive scale to children who must have this help if they are to master the basic literacy skills that are required for employment in a technological economy.

The courses are taken as three-credit electives in various academic departments, such as Sociology, Economics, and Education. As a result, virtually all of the nation's 10,000,000 college students (and virtually all college in every city in America) are eligible to participate, since undergraduates, generally, must take elective courses to get a degree.

In these courses, undergraduates obtain real-world experience by working as tutors six hours each week of the semester in elementary schools that are selected for their ability to provide a graphic illustration of the academic discipline as it exists in the real world. The undergraduates also are required to meet in weekly seminars with their

supervising professor. In these seminars, the students' experience in the community is matched against the theories of the academic discipline.

In this way, the undergraduates get a mix of experience and theory at the same time, and a greater understanding of the academic discipline than they can get in the college classroom alone. (This, of course, is not very new. Courses that combine experience and theory at the same time have been considered to be the highest form of learning in Western culture since the time of Galileo.)

Here is an example of how this course works: Undergraduates who register for this course in Economics would tutor in an inner-city elementary school where they would see poverty firsthand. It is then the role of the Economics professor in the weekly seminars to examine poverty in modern society, and to describe, for example, how the major theories and authors in the field of Economics attempt to explain the existence of poverty in the richest nation in history, and why it is that poverty, against our best efforts continues to exist.

This was the reasoning behind the original program that I began in the fall of 1968, when I was an undergraduate at the University of Miami in Florida. That program, upon which the National Education Project is based, registered its first undergraduates in the fall of 1969 and remained in operation until 1973. During that time, over 1,000 undergraduates enrolled in these courses, which were offered by a number of academic departments, including the Department of Economics.

Academic credit served to acknowledge that the undergraduates were learning things about the various academic disciplines that they genuinely needed to know. In assessing the educational value that these courses had for the undergraduates, an Economics professor at the University of Miami wrote:

''The field experience brought a dimension to the [undergraduates'] education which would otherwise have been absent. The practical experience gave them insights into social realities which would have been nearly impossible to impart in a pure classroom environment, and this also made them think much more critically about many concepts which they had encountered on a purely intellectual level.

''Coming from an abstract discipline like Economics, I found this particularly gratifying.''

In addition to their educational merit, however, these courses also have the following benefits for undergraduates:

(1) These courses provide undergraduates with work experience in the real world, the sort of experience that will help them to make a sensible choice of a college major, and a career.

(2) It is this same work experience that will help the undergraduates to get a job upon graduation, since they will be able to show employers a clear record of achievement at something genuinely important; that is, teaching someone to read.

(3) And, not least, these courses permit undergraduates to learn the ''old virtues'' of duty, obligation, and compassion.

THE FIVE COURSE REQUIREMENTS

These courses have five requirements, and, to receive credit for the course, the undergraduates are required to:

1. Tutor six hours each week of the semester. (Each undergraduate is required to produce a minimum of 60 hours of tutoring per semester; that is, six hours of tutoring per week x the 10 weeks in a semester.)

2. Attend a weekly seminar with their faculty supervisor.

3. Submit a one-page report each three weeks of the semester to their faculty supervisor.

4. Keep a private journal.

5. Submit a Final Report to their faculty supervisor at the end of the semester.

OPERATIONAL BENEFITS OF THE NATIONAL EDUCATION PROJECT

Although the National Education Project is primarily an academic program for undergraduates, it is also designed to transfer to the illiterate poor the power to create wealth in the technological age; that is to say, Reading, Writing, and Mathematics. For this reason, the undergraduates work as tutors, and only as tutors, for the entire semester. They are not permitted to engage in any other activity.

Moreover, it should be said that this Project is designed to use the resources that already exist in nearly every community in the nation; that is, undergraduates tutoring in established elementary schools under the direct supervision of classroom teachers. As a result, in terms of cost, simplicity of operation, and effectiveness, the National Education Project has the following advantages:

1. There are no expenditures for buildings or books. The undergraduates are permitted to work only in existing schools, and they use the books and instructional materials already in the classroom.

2. The undergraduates are required to work under the direct supervision of classroom teachers, who provide the undergraduates with the minimal on-the-job training they require. The classroom teachers volunteer to accept the tutors into their classrooms, and they provide this training to the tutors as a part of their normal classroom duties.

3. The classroom teachers decide which children will receive tutoring and the teachers also select the specific subject in which the children will be tutored. The tutors use the methodology of the classroom teacher, and work in the back of the classroom, while the classroom teacher conducts the larger class.

4. The undergraduates work as tutors in the old, classical sense of the term, and they are required to work on a 1:1 or 1:2 ratio, or in very small groups. The undergraduates are not permitted to work with the class as one large group. Moreover, the undergraduates do not grade papers for the classroom teacher, monitor the cafeteria at lunchtime, supervise recess, or do office work for the school principal.

5. Each undergraduate in this Project is required to produce a minimum of 60 hours of tutoring per semester; that is, six hours of tutoring per week x the 10 weeks in a semester.

6. The undergraduates are required to tutor on a regular schedule for the entire semester (for example, Monday, Wednesday, and Friday mornings, from 9:30 to 11:30), and they are required to sign-in and sign-out for each tutoring session in a book that is kept in the principal's office. There are no excused absences.

7. Because the tutoring is done as part of a college course, the undergraduates are reliable, accountable on a daily basis, and remarkably effective.

8. The classroom teachers provide the National Education Project with one-page, written evaluations at the end of each semester that measure the advances of the children in reading, writing, and mathematics.

9. There is no cost whatsoever to the children who are tutored by the undergraduates.

10. The undergraduates are not paid to do the tutoring.

11. The $25,000 grants are provided by The National Education Project, Inc. to colleges and universities under a standard, three-year contract, and each $25,000 grant is disbursed by the National Education Project to the colleges in six payments over a three-year period. These grants are used mainly to cover college faculty costs during the three-year grant period. At the same time, undergraduates who enroll in the course pay to the college or university the standard tuition that is required for any three-credit course.

12. Since the undergraduates pay tuition to take these courses, each college, if it chooses to do so, will be able to offer the course after the Project's three-year, $25,000 ''start-up'' grant ends, since the course in the fourth year would be funded by the tuition of the undergraduates who enroll in the fourth year, the course in the fifth year would be funded by the tuition of the undergraduates who enroll in the fifth year, and so forth.

13. As a practical matter, virtually all of the nation's 10,000,000 college students (and virtually all of the college students in the districts and states represented here this morning) are eligible to participate, since these courses are offered as ''electives'', and since undergraduates, generally, must take elective courses to get a degree.

HOW TO GET THIS COURSE STARTED AT ONE COLLEGE

To get the first semester started at one college, it is only necessary that one academic department agrees to offer the course, that one member of the full-time college faculty agrees to supervise the undergraduates, and that a minimum of five undergraduates enrolls in the course. (Institutions eligible to participate include public and private two-year colleges, four-year colleges, full universities, and community colleges.)

During the first semester, the five undergraduates would work in one elementary school, which would be selected by the college or university. The elementary school must have a demonstrated need for tutors, and should be located near the college or university. During each of the next five semesters, it is expected that 20 undergraduates would enroll in the course, for a total enrollment of 105 undergraduates over the three-year/six-semester grant period. The tutors would be evenly divided each semester between two elementary schools. The university, if it chooses to do so, may send the undergraduates to the same elementary schools each semester of the three-year grant.

THE PROJECT'S SEVEN BASIC OPERATIONAL DOCUMENTS

The National Education Project has developed seven basic operational documents, which, to a great extent, have been responsible for the success of our programs across the country. These documents are listed below:

(1) The Project's Standard Three-Year Contract with the Colleges;

(2) The College/School Agreement;

(3) Guidelines for the Classroom Teacher;

(4) Classroom Teacher's One-Page, End-of-Semester Evaluation Form;

(5) Midterm Report of Hours of Tutoring Produced;

(6) Outline for the End-of-Semester Report by the College Faculty Member; and

(7) Final Report of Hours of Tutoring Produced.

HOURS OF TUTORING PRODUCED BY THE UNDERGRADUATES IN ONE PROGRAM

Each undergraduate enrolled in these courses is required to produce a minimum of 60 hours of tutoring per semester; that is, six hours of tutoring per week x the 10 weeks in a semester. During the life of the three-year grant, undergraduates from one university would produce a minimum of 6,300 hours of tutoring; that is, 105 undergraduates x 60 hours of tutoring produced by each undergraduate.

Here is a breakdown of the number of hours of tutoring produced by undergraduates from one program during each semester of the three-year grant:

(1) 1st Semester: 5 undergraduates x 60 hours of tutoring produced by each undergraduate = 300 hours of tutoring
(2) 2nd Semester: 20 undergraduates x 60 hours of tutoring produced by each undergraduate = 1,200 hours of tutoring
(3) 3rd Semester: 20 undergraduates x 60 hours of tutoring produced by each undergraduate = 1,200 hours of tutoring
(4) 4th Semester: 20 undergraduates x 60 hours of tutoring produced by each undergraduate = 1,200 hours of tutoring
(5) 5th Semester: 20 undergraduates x 60 hours of tutoring produced by each undergraduate = 1,200 hours of tutoring
(6) 6th Semester: 20 undergraduates x 60 hours of tutoring produced by each undergraduate = 1,200 hours of tutoring
Total number of hours of tutoring produced by 105 undergraduates from one college over three years = 6,300

HOURS OF TUTORING PRODUCED BY 20 PROGRAMS IN ONE CITY

Undergraduates from 20 programs in one city will provide a minimum of 126,000 hours of tutoring over three years to children in that city's elementary schools; that is, 105 undergraduates per program x 20 programs x 60 hours of tutoring produced by each undergraduate. Each program would send tutors to work in two elementary schools; 20 programs in one city, therefore, would send tutors to a total of 40 elementary schools.

(1) 1st Semester:
5 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 6,000 hours of tutoring.
(2) 2nd Semester:
20 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 24,000 hours of tutoring.
(3) 3rd Semester:
20 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 24,000 hours of tutoring.
(4) 4th Semester:
20 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 24,000 hours of tutoring.
(5) 5th Semester:
20 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 24,000 hours of tutoring.
(6) 6th Semester:
20 undergraduates per program 60 hours of tutoring produced by each undergraduate 20 programs = 24,000 hours of tutoring.
Total number of hours of tutoring produced by 105 undergraduates per program 20 programs over three years = 126,000.

END-OF-SEMESTER REPORTS TO CORPORATE AND FOUNDATION SPONSORS

At the end of each semester, the National Education Project prepares an End-of-Semester Report for its corporate and foundation sponsors; this report has two main parts:

(1) The precise number of hours of tutoring produced by the undergraduates during the previous semester.

(2) Evaluations written by the classroom teachers that measure the advances of the children in reading and mathematics during the previous semester. (Please see the Project's standard Classroom Teacher's One-Page End-of-Semester Evaluation Form.)

In 1985, the National Education Project began a national campaign designed to demonstrate that these programs could be made to work anywhere in the country. The Project was successful in this effort, and had programs in operation several years ago at 12 colleges and universities in six states across the country, including New York, California, Mississippi, Illinois, Massachusetts, and New Jersey.

The National Education Project also had considerable success raising funds from private sources for this effort, and a total of 19 corporations, law firms, and foundations provided support for these programs, including The Xerox Foundation, Hughes Aircraft Corporation, the Los Angeles Times, the New York Daily News, Houghton Mifflin Company, Exxon Education Foundation, Manufacturers Hanover Trust Company Digital Equipment Corporation, Taconic Foundation, Latham & Watkins, and Bank of Boston. In addition, a number of publications have written about the Project over the years, including The Washington Post, the Miami Herald, the Richmond Times-Dispatch, the Baltimore Sun, the Beaufort Gazette, Parade Magazine, and U.S. News & World Report.

Most important, however, are the Project's results, and a two-page Summary of Results from the program that we had in operation in Chicago is attached. The undergraduates in this program tutored at Manierre Elementary, which drew its children from the Cabrini-Green Public Housing Project. The remarkable results at Manierre were produced in one semester, after just 302 hours of tutoring, and give a clear indication of what 2,520,000 hours of tutoring over the next several years will do for children in the elementary schools of the 20 cities we now seek.

The purpose of the National Education Project's 20-city initiative is to provide reliable and effective tutors on a massive scale to children who are in great difficulty, and, in doing so, to raise reading and math scores across entire cities. It should be said, however, that the technological age is coming not just for the United States, but for every nation on earth, and, as a result, every nation must have a literate work force to create the nation's wealth. In light of this, it is certainly possible to begin programs at colleges and universities in other countries, and, to date, the following countries have indicated an interest in the work of the National Education Project: Brazil, India, Ireland, and South Africa.

I would like to thank Representative Fields, Senator Wellstone, and all of you once again for your very kind invitation to join you today, and I will be happy to answer any questions you may have.

RESULTS: COLUMBIA COLLEGE OF CHICAGO—SPRING SEMESTER, 1988

At the end of each semester, the faculty member at each college prepares a Final Report, which evaluates the effectiveness of the undergraduates during the previous semester. This is the Final Report for the Spring semester of 1988, prepared by the faculty member responsible for the course at Columbia College of Chicago. During this semester, five undergraduates produced 302 hours of tutoring:

''All five of the undergraduates tutored at the Manierre Elementary School, which is located at 1426 N. Hudson Street on Chicago's Near North Side. The school serves mainly children from the Cabrini-Green Public Housing Projects. These Projects are home to nearly 10,000 children, 76% of whom live in female, single-parented households. These Projects are predominately black, and have one of the highest concentrations of poverty in Chicago.

''Manierre Elementary School has all the challenges of an inner-city school, from truancy to family transiency and instability, but has the advantage of an efficient principal, Marlene Syzmanski, and some good dedicated teachers, like Carolyn Driver-McGee, our 2nd Grade classroom teacher.

''Ms. Syzmanski assigned all of our tutors to Ms. McGee's class of 2nd Graders, because the Reading the Math skills of the children were so low. In essence, all 13 children in the class were non-readers and most had difficulties in Math. Two of the children moved during the term, and several others were not present for testing, thereby eliminating data about their progress.''

At the end of the Spring semester of 1988, Ms. Carolyn Driver-McGee, the 2nd Grade classroom teacher at Manierre Elementary, provided written evaluations of the effectiveness of the tutors from Columbia College, and her evaluations follows. It should be said that the undergraduates produced these results in just one semester of tutoring.

''Bill [the undergraduate] was a very positive force in both Gregory's and Bernard's school year. He motivated the boys with stories, guided activities, and games. The boys felt very special because they had Bill as their tutor.

''Gregory gained 1 Year and 8 Months in Reading. Bernard gained 1 Year and 1 Month in Math.''

''Connie [the undergraduate] worked diligently with Orlando and Shadeed. Each boy is a very unique student by all standards, but Connie was always there to motivate and interest the boys in different areas.

''Orlando gained 1 Year and 5 Months in Math, and Shadeed gained 6 Months in Math.''

''Tammie [the undergraduate] was very positive for the children. . . . She reinforced class activities when needed. Her students were always begging to be tutored first, because each section was meaningful.

''Latoya gained 9 Months in Math. Akil gained 1 Year and 3 Months in Math.''

''Nicole [the undergraduate] was very warm and caring for Michael, Stanley and Artrice. She motivated them in all subject areas when possible by reading stories, guiding activities, and with games.

''Stanley gained 1 Year and 6 Months in Math, and Artrice gained 9 Months in Math. No data was available for Michael. Nicole was a very good tutor for the students.''

''Kristen [the undergraduate] worked very closely with her students. One of her students transferred and she had to start with a new tutee. She motivated him the same way she motivated the other students. She was very positive and it showed on the students' faces each time after sections.

''Lawrence gained 7 Months in Reading, and Terrance gained self-confidence. No [test] data was available for Terrance, but the self-confidence was even more valued.''

All of these evaluations were written by Mr. Carolyn Driver-McGee 2nd Grade Classroom Teacher, Manierre Elementary School, Chicago, Illinois—June 1, 1988.

THE PROJECT'S PRESS CLIPS

(1) Baltimore Evening Sun; (2) Baltimore Sun; (3) Beaufort Gazette; (4) Houston Chronicle; (5) The Miami Herald; (6) Parade Magazine; (7) presstime—The American Newspaper Publishers Association; (8) Reader's Digest; (9) Richmond Times-Dispatch; (10) The Rochester Democrat & Chronicle; (11) San Antonio Express-News; (12) U.S. News & World Report; and (13) The Washington Post.

GRANTS FROM CORPORATIONS AND FOUNDATIONS—1985 TO 1996

In 1985, The National Education Project, Inc. (formerly known as The Washington Education Project, Inc.) began a national fund-raising campaign designed to provide $25,000 ''start-up'' grants to colleges all across the country. To receive these funds, the colleges agreed to establish special three-credit courses in the Humanities and Social Sciences in which undergraduates would be required to work as tutors in various community agencies, mainly elementary schools.

Since 1985 the Project has received support for this effort from the following corporations, foundations, and law firms:

(1) Bank of Boston; (2) Boston Gas Company; (3) Corina Higginson Trust; (4) Correction Connection, Inc.; (5) Digital Equipment Corporation; (6) Exxon Education Foundation; (7) Federal Communications Bar Association Foundation; (8) Goodwin, Procter & Hoar; (9) Houghton Mifflin Company; (10) Hughes Aircraft Company; (11) Latham & Watkins; (12) Los Angeles Times; (13) The John D. and Catherine T. MacArthur Foundation; (14) Manufacturers Hanover Trust Company; (15) New York Daily News; (16) Pinkerton's, Inc.; (17) Primerica Foundation; (18) Taconic Foundation; and (19) The Xerox Foundation.

STATEMENT BY DECKER ANSTROM PRESIDENT OF NCTA BEFORE THE EDUCATION CAUCUS WASHINGTON D.C., JULY 31, 1996

Good morning. My name is Decker Anstrom, and I am President of the National Cable Television Association (NCTA), which represents more than 100 cable programming networks and most of the cable operators serving our nation's 63.7 million subscribers. Thank you for inviting me to participate in this morning's discussion on education.

Cable operators and program networks understand that we have both a responsibility and an opportunity to help our nation's schools and teachers. Our industry has a long-standing commitment to education, and we have been acting on that commitment—not just talking about it.

I would like to highlight two of the cable industry's major education initiatives for you today.

CABLE IN THE CLASSROOM

Cable's commitment to education is built on the foundation of Cable in the Classroom. Starting in 1989, cable companies have worked with school districts to make available high quality, educational, commercial-free television to schools and teachers. To date, 8,400 local cable operators have connected 75,000 schools nationwide to their cable systems—for free (roughly 75 percent of all K–12 schools in the country). And 35 program networks provide 540 hours each month of quality, commercial-free programming—again, free of charge.

Cable in the Classroom companies also supply teachers with instructional materials, curriculum supplements, and a monthly guide which identifies programs available for use in the classroom. All of the programming available through Cable in the Classroom is copyright-cleared and may be freely used, taped, and replayed by teachers in their classroom.

CABLE'S HIGH SPEED EDUCATION CONNECTION

Just three weeks ago, on July 9, the cable industry announced its latest education initiative, ''Cable's High Speed Education Connection.'' Beginning this year, cable companies will introduce high-speed digital services to communities across the country. As these services are introduced, cable companies will equip at least one site in every consenting elementary and secondary school passed by cable in that community with a cable modem providing basic high-speed access to the Internet—free of charge.

In many instances, individual cable operators may go beyond the industry's commitment and offer additional training, inside wiring of classrooms, enhanced information services, and extra equipment.

Cable's new high-speed services will make a real difference—because teachers don't always have the time to wait for information to be downloaded through existing telephone lines. Cable modems are faster—they allow students and teachers to retrieve material from the Internet at a rate of 10,000 kilobits a second, hundreds of times faster than conventional telephone modems. Even the telephone companies' most advanced lines, ISDN, move data at only 128 kilobits a second. The speed of cable modems enables teachers to use Internet material in their classrooms, and reduces the ''fidget factor'' since kids don't have to wait for information to be retrieved.

The power of cable modems was demonstrated here in Washington on July 9 at the launch of ''Cable's High Speed Education Connection.'' In the following video, Brian Roberts, President of Comcast, and several local school children experience first-hand the benefits of using high-speed cable modems to access the Internet.

CONCLUSION

Mr. Chairman Cable in the Classroom and cable's new initiative, the ''High-Speed Education Connection,'' won't solve our nation's educational problems. But it is a contribution we can make. Deployment of cable modems won't happen overnight—we're in the process of inventing this new high-speed business as we speak—but the cable industry has made a start. And we will finish the job.

Thank you for your interest in the cable industry's education initiatives. I would be pleased to answer any questions you might have.

THE FUTURE IS ON CABLE

Cable Television's Contributions to America's Children and Families, July, 1996

INTRODUCTION

The cable industry remains the clear leader in bringing a wide variety of quality children's programming to families and children. In addition to popular cable networks whose programming is completely devoted to children (Nickelodeon, Cartoon Network, WAM! America's Kidz Network), more cable networks are responding to the call for quality children's programming by increasing their commitment to include extended programming blocks just for kids (The Disney Channel, The Learning Channel, The Family Channel); other networks continue to consistently offer educational and enriching programs for children as part of their regular programming format (Discovery Channel, The History Channel, C-SPAN).

Specifically:

Cable television provides 65 percent of all television programs available to children.*

Cable television provides more children's programming—more than four times as much as all other programming sources combined—averaging 385 hours per week on cable, compared to all other sources combined airing an average of 85.8 hours per week.**

Cable television networks offer more than 80 percent of all television hours that are devoted to children.**

More than 75 percent of children's programming viewed by children in cable households is viewed on cable television.**

Cable television provides 59% of all high quality children's programs available on television.*

Cable's leadership role in serving the needs of children and families is carried out in a number of other ways, as well:

Since 1989, over 8,400 cable operators and 35 cable programmers have invested over $420 million in Cable in the Classroom, the industry's educational centerpiece, providing cable connections and commercial-free educational programming to more than 75,000 schools and 38 million students nationwide—all at no cost to schools or students. Cable programmers provide schools 540 hours each month of this quality, commercial-free programming.

In October 1994, the cable industry and the National PTA formed an educational partnership, The Family and Community Critical Viewing Project, which empowers families nationwide with the information and tools to become better and wiser television viewers. To date, more than 1,500 cable leaders and PTA members have been trained and are presenting critical viewing workshops around the country.

Earlier this month the cable industry publicly committed to provide America's elementary and secondary schools with high-speed access to the Internet using cable's advanced technology and new high-speed cable modems—again, at no cost to schools.

Cable operators, too, use local programming to provide children in their communities with entertaining and educational programming.

Additionally, cable operators and networks have instituted community-based public affairs and educational initiatives to speak to children on a host of different issues, including violence, community service, diversity, the environment, and more.

The attached materials provide you more information about what the cable television industry is already doing to enhance television and education for children. Should you have any comments, questions or require additional information, please call the NCTA's Public Affairs department at (202) 775–3629.

CABLE TV NETWORK PROGRAMMING: A GROWING COMMITMENT TO CHILDREN AND FAMILIES

Cable television networks provide more children's programming—more than four times as much as all other programming sources combined—averaging 358 hours per week, compared to all other sources airing 85.8 hours per week.

Cable networks offer more than 80% of all television hours devoted to children.—Cabletelevision Advertising Bureau, 1996 Cable TV Facts.

CHILDREN'S PROGRAMMING ON CABLE TV

The following is a summary guide of cable networks that provide educational children's programming. Intended to illustrate the breadth and diversity of children's programming on cable, this summary is comprehensive; however, it does not include every children's program available.

A&E Television Network—A&E features original biography series, dramas, documentaries and performing arts specials. A&E Classroom is designed specifically for kids. It is a commercial-free Cable in the Classroom programming block of selected A&E programs airing weekday mornings. Program examples include Pride & Prejudice, Pocahontas, Frederick Douglass and Elizabeth Custer. Each fall and spring A&E Classroom Kits are distributed to educators, and beginning this month, the network publishes a new magazine, The Idea Book for Educators, offering new classroom materials. Contact: Libby O'Connell (212/210–1402).

American Movie Classics—AMC features Kids' Classics, a weekly series showcasing classic films that have educational or historical value to children. Among the films featured are Young Mr. Lincoln, Phantom of the Opera and A Tree Grows in Brooklyn, in addition to films adapted from literacy classics, including The Secret Garden, Journey to the Center of the Earth, and many more. AMC also features Family Classics, a weekly series showcasing Hollywood's best-loved family-oriented movies. Contact: Dina White (516/364–2222).

Black Entertainment Television.—Storyporch is a weekly, award-winning half-

*Source: Study released by the Annenberg Public Policy Center of the University of Pennsylvania on June 17, 1996.

**Source: *1996 Cable TV Facts,* Cabletelevision Advertising Bureau.

hour children's program featuring stories written exclusively for BET that are told by celebrity guests to children ages 4 to 9. BET also participates in Cable in the Classroom under the BET on Learning umbrella, providing teachers with an assortment of support materials, including YSB and Emerge magazines. BET's Teen Summit is a weekly, live one-hour talk/entertainment show where the focus is solely on African American teens. Contact: Rosalyn Doaks (202/608–2058).

Bravo.—Bravo in the Classroom combines programming and resource materials that provide teachers and students with weekly tools to enhance arts and humanities studies and appreciation at the secondary level. Programs include literary and historical adaptations, the performing and visual arts, plus a profile series featuring well-known writers, musicians and artists. Contact: Theresa Britto (516/364–2222).

Cartoon Network.—A 24-hour network offering animated entertainment from the world's largest cartoon library, Cartoon Network recently introduced Big Bag, instructional and educational programming produced exclusively for pre-school children ages 2 to 6. Developed in conjunction with the Children's Television Workshop (producers of Sesame Street), Big Bag consists of live studio hosts, Jim Henson-created animated ''shorties'' and music designed to nurture a disposition toward investigation, creative thinking and pro-social behaviors among its young audience. Es Incredible! is a commercial-free Spanish language instructional program that airs once a month, and Small World brings animation from the U.K., Sweden and France to American audiences for the first time. Contact: Shirley Powell (404/885–4205).

CNBC.—CNBC in the Classroom, airing weekly, is designed to provide America's youth with a basic understanding of business news, stock market coverage and personal finances. Teacher/student support materials, including vocabulary and reading lists, are available in print and via Ingenius. Programming is closed-captioned for the hearing impaired, and specific educational programs are available on videotape on request. Contact: Mark Hotz (201/585–6463).

CNN/Turner Adventure.—CNN Newsroom/CNN Newsroom's WorldView are two daily fifteen-minute, commercial-free telecasts that air as part of Cable in the Classroom. The programs focus on historical and cultural background of world events. A daily teacher's guide accompanies each program, and Turner MultiMedia—a compilation of low-cost videotapes and CD–ROM products with printed support material—is available to teachers interested in applying world events, science and technology, and literary classics to their curriculum. Contact: Jacque Evans (404/827–3072).

Turner Adventure Learning is a series of live, interactive ''electronic field trips'' for students of all ages to visit a variety of places all over the world. These live educational telecasts are ideal for student screenings and include on-line Internet activities, real-time questions-and-answers with experts on site in the field and a host of educational support materials. Upcoming field trips include Election '96: Behind the Scenes, Protecting Endangered Species: In the Shadow of the Shuttle; The Science and Mathematics of Baseball; Virus Encounters: Microorganisms and the Human Body; and The Ancient World: Where it All Begins. Contact: Libby Davis (404/827–3175).

Court TV.—Earlier this spring, Court TV launched a three-hour programming block, Teen Court TV, aimed at kids ages 12 to 18, airing on Saturday mornings. The programming block explores the justice system from a teen's point of view and allows interactive participation. Three programs air during the block: Justice Factory, going on site to locations as varied as teen courts and gang hangouts; What's the Verdict?, a recap of real trials from a teen's perspective; Your Turn, an issue-oriented talk show featuring a participatory format with a panel of teens and a studio audience of teenagers. Court TV also regularly airs specials geared towards young people, including: Earth, Getting Physical and AIDS: Its Side Effects on America. Contact: Susan Abbey (212/973–3379).

C–SPAN.—A public service of the cable industry, C–SPAN offers gavel-to-gavel coverage of the House of Representatives, Senate and other public policy events. During the 1996 campaign season, nearly 2,000 hours of campaign coverage will air under the umbrella of Campaign '96. The C–SPAN School Bus brings this extensive coverage directly to students across the country, introducing new voters to politics. All C–SPAN produced programming is copyright cleared for classroom taping and use, thus giving educators and students an up-close-and-personal view of the election process as its never been seen before. Contact: Joanne Wheeler (202/626–4846).

Discovery Channel.—Discovery Channel provides educational programming for all ages and features many documentaries. Selected programs particularly designed for young viewers include: Assignment Discovery, a daily, one-hour commercial-free program that highlights a different subject each day, including science and technology, social studies and history, natural science, arts and humanities, and contemporary issues—all especially created for children ages 6 to 12; The Know Zone, a program which explores a scientific subject, idea or invention by looking at its past and present, and speculating about its future; and Discovery Magazine, a televised version of the popular monthly magazine. Recent specials include: Harlem Diary: Nine Voices of Resilience; On Jupiter and The Ultimate Guide to the T-Rex. Contact Jennifer Iris (301/986-0444, ex 5917).

The Disney Channel.—The Disney Channel features quality programming for people of all ages. The Network's primetime programming is designed to appeal to every member of the family, while its daytime hours are devoted to a wide variety of educational fare for children. Beginning this August, The Disney Channel will feature a family-oriented film for all ages every night of the week at 7:00 pm EDT.

ESPN/ESPN 2,—Scholastic Sports America is a weekly program devoted solely to the achievements of high school athletes, both on and off the field. Sports-Figures is a weekly commercial-free program geared toward high school students, incorporating famous professional athletes and high school student athletes to teach math and physics through sports. The Scripps Howard Spelling Bee aired live on ESPN in May, featuring the final rounds of the nationwide competition for children. Contact: Marie Kennedy (860/586-2357).

Faith & Values Channel.—All programming featured on the Faith & Values Channel is educational, and is suitable for every member of the family, featuring programming that celebrates diversity, awareness and social responsibility. The network's contribution to Cable in the Classroom, Today's Life Choices, airs commercial-free on Fridays. This half-hour series is designed to promote discussion on ethics, values, and social issues. Several series are offered especially for children, including: Davy & Goliath; The Nature Connection; Just Kids; and Sunshine Factory. Contact: Michelle Racik (212/964-1663).

The Family Channel.—All Family Channel programming is positive family entertainment television, offering children's shows, original series and movies, plus health and exercise programming. Educational programming is aired commercial-free and is made available to teachers through Cable in the Classroom. Samples of programming include: Captains Courageous, adaptation of Rudyard Kipling's novel; Race to Freedom: The Underground Railroad; Tad; Young Indiana Jones; and The Holocaust. Contact: Kathleen Gordon (804/459-6165).

fX.—fX offers several programs for children and the entire family. Personal fX: The Collectibles Show features special ''Kids' Day'' episodes which highlights special collections and hobbies of children across the country. Home fX: Family Business is a practical guides to raising kids in the '90s. For pet lovers. The Pet Department covers pet health and care, and training. Contact: Dina Ligorski (212/802-4000).

The History Channel.—The History Channel in the Classroom is a commercial-free Cable in the Classroom programming block that airs twice a day, bringing the past alive for students and educators. Programming includes: the Lincoln Assassination, Women at War, America's Most Endangered Sites and Freedom's Road. In addition, History for Kids and Teens Too airs once a week and features programming geared to this audience. Beginning this year, new classroom support materials will be available to teachers through the network's new magazine, The Idea Book for Educators. Contact: Libby O'Connell (212/210–1402).

Home Box Office.—HBO has produced several programs designed to appeal to young children and their families, including: Shakespeare: The Animated Tales; Happily Ever After: Fairy Tales for Every Child; The Composers' Specials; and the animated Wizard of Oz. HBO also has educational programming geared towards teenagers in middle and high school. These programs are often reality-based and address current issues facing young adults in today's society; they often have advice and educational messages for viewers, including a recent focus on youth violence: Six American Youths, Six American Handguns. Other series include Lifestories, Families in Crisis and Family Video Diaries.

Home & Garden Television.—For the entire family, Home & Garden Television features programs on pets and community goodwill projects. Company of Animals and Dog Days of Summer portray the loving relationship people have with their pets, and offer tips on pet care. Building a Future: Habitat for Humanity profiles young people who built homes in the Watts section of Los Angeles, while The Story of Cabrini Greens shows how a community garden program in Chicago's public housing project has planted the seeds of hope for children in the community. Contact: Carol Hicks (423/694–2700).

INSP: The Inspirational Network.—INSP features a special block of adventure programs every Saturday morning just for kids, ages 5 to 11. The Kids at Home block includes The Forest Rangers, an action-adventure series features kids tackling fires, floods, wild animals and other adventures in the Canadian wilderness. Contact:

Jones Computer Network.—A weekly computer and new media information program for kids and their parents, Computer Kids is a fun and interesting introduction to computing. Regular segments include ''Mr. Fixits'' (children troubleshooting and fixing a computer problem) and ''Gamebusters'' (reviews of the latest children's software). Contact: Jeff Baumgartner (303/784–8715).

Kaleidoscope.—Kaleidoscope offers a host of children's programs focusing on family, social skills, language skills and pets. Davey & Goliath, Sunshine Factory and Gerbert

teach youngsters values, life's lessons and to be comfortable with themselves. Festival is an instructional program geared toward young children, teaching grammar and sign language. Motivated by Helen Keller, Kim's World features deaf/blind actress Kim Powers showing children the joys and values of experiencing life in her unique manner. For the entire family, Hear Kitty, Kitty focuses on pets and their care. All of the network's programs are open-captioned. Contact: Joe Cayton (210/824–7446).

The Learning Channel.—The Learning Channel offers educational family-oriented programming for people of all ages. The network's programming brings a multicultural, cross-curricular approach to subjects, and are divided into shorter segments varying in length. Ready, Set Learn is a weekday, six-hour commercial-free programming block designed specifically for pre-schoolers that helps children learn reading and social skills. Programs included in this block, as well as other educational programming for children, include: Iris, The Happy Professor; The Magic Box, which teaches reading with the whole language approach; Chicken Minute; Rory's Place; Little Star; and Kitty Kats. For educators, the network offers Teacher TV and TLC Elementary School, featuring segments in science, social studies, language arts and math. Contact: Jennifer Iris (301/986–0444, ext. 5917).

Lifetime Television.—Lifetime offers a regular assortment of programs for young people throughout the school year relating to the achievements of women, young and old. Programs scheduled for this year include: Intimate Portrait, featuring profiles of Maya Angelou, Gloria Estefan, Natalie Wood, The Virgin Mary, among many others, and Hidden in Silence, based on the true story of a young girl who saved Jews from the Nazis. A collection of special programs for Women's History Month in March included: Rocking the Boat, a special spotlighting the women's America's Cup team, and Daughters at Work, in conjunction with Lifetime's support of the national Take Your Daughter to Work Day. In addition, Perspectives on Lifetime, a series of editorials, commentaries and shorts, airs throughout the Cable in the Classroom program schedule. Contact: Terry Pologianis (212/424–7127).

Mind Extension University (ME/U).—ME/U Knowledge TV offers several educational programs geared towards families and children, in addition to its degree-qualifying education programs, including Achievement TV, an interactive educational teleconference for people of all ages featuring the individuals who have shaped the history of the 20th Century, including scientists, explorers, entrepreneurs and authors; and Computer Kids, a weekly computer and new media information program for youngsters and their parents. Contact: Jeff Baumgartner (303/784–8715).

MTV: Music Television.—MTV is a primary source of information, music, style and sports unique to youths and young adults. MTV's Community of the Future classroom series presents weekly thought-provoking programming on relevant social issues that concern today's youth. Designed to educate and inspire kids to be a part of the political process, the network will continue it's Choose or Lose campaign/programming efforts this year for Campaign '96. The effort follows the activities of the Choose or Lose Bus, which travels to cities across the nation to promote political awareness among youngsters. The network also regularly offers Cable in the Classroom programs that stress the dangers of violence and drug abuse, including: Enough is Enough, a Generation Under the Gun and Straight Dope. Contact: Mary Corigliano (212/846–4798).

NewsTalk Television.—A Cable in the Classroom program, Weekly Teen Segment is an interactive panel discussion covering topics that impact today's young people, such as education, conflict resolution, career planning, the environment and violence. Daily Teen Segments air live weekdays. The benefit of this dual program schedule enables both students and teachers to participate in a live interactive program in the afternoon and to tape the edited program on a weekly basis. Each program is interactive via telephone, fax and electronic mail. Also, this September News Talk premiers its week-long discussion of critical issues facing American education, Education in America: Pass, Fail or Incomplete, with the U.S. Chamber of Commerce. Contact: Lee Tenebruso (212/502–1545).

Nickelodeon—Nickelodeon, one of the largest producers of children's television programming in the world, was developed exclusively for kids. A small sampling of programs includes: Rugrats, Clarissa Explains It All, You Can't Do That on Television, Allegra's Window and Roundhouse. The network also produces special features geared to inform and educate, including Nick News Special Edition: Stranger Danger, a look at child abduction, and Clearing the Air: Kids Talk to the President About Smoking, featuring host Linda Ellerbee and President Clinton talking about the dangers of tobacco. Nickelodeon also is committed to providing commercial-free blocks of Cable in the Classroom programming under its programming umbrella, Nick Elementary, featuring Teacher to Teacher with Mr. Wizard and Launch Box. Contact: Debra Clemente (212/258–7706).

Ovation.—Ovation offers students a front-row seat, taking children behind the scenes and around the globe to discover and experience the world's culture. Dedicated to the visual and performing arts, the network will be initiating its participation with Cable in the Classroom later this year, and support materials are being developed to include lesson plans, suggested related activities and advance program schedules. Programming planned for the September premier includes Yo-Yo Ma and the Kalahari Bushmen, a one-hour special depicting the celebrated cellist Yo-Yo Ma, and travels to southwest Africa to compare music with that of the Kalahari Bushmen, one of the oldest indigenous music societies in the world. Contact: Patricia MacEwan (1–800/OVATION).

Sci-Fi Channel.—The Sci-Fi Channel features original and classic movies and series from the worlds of science fiction, science fact, horror and fantasy. Sci-Fi has developed the Inside Space series under its Cable in the Classroom participation to showcase the adventures of science, technology and space exploration. The program, which airs commercial-free weekly on Mondays, is designed to not only educate, but stimulate children's imaginations. Contact: Kira Copperman (212/408–9178).

Showtime.—Committed to family and children's programming, Showtime has recently increased its production of original movies for children under the banner, Showtime Original Pictures for Kids. Recent features have included: Tin Soldier, The Legend of Gator Face and Robin of Locksley. Upcoming features include: Sabrina the Teenage Witch and The Halfback of Notre Dame. The Showtime KidsHour airs seven days a week and features programs geared exclusively to children ages 2–8, including Shelley Duvall's Bedtime Stories and The Busy World of Richard Scarry. Contact: Jocelyn Brandeis (212/708–1579).

The Travel Channel.—The Travel Channel's Cable in the Classroom programming is under development, and likely will include strong educational links to geography, math and history. Current programming available includes Famous Footsteps, featuring special guests retracing historical routes and the paths of famous people in this information-packed series. From the life of Thomas Edison to the trail of the Pony Express, each Wednesday evening episode follows these paths as they exist today. Contact: Stephanie Clark (770/801–2424).

Turner Network Television/TBS.—Coming this fall, Turner Broadcasting, with Hanna-Barbera Cartoons, will present The New Adventures of Jonny Quest, a modern day version of the animated adventure hit of the 1960s. TNT Toons features a line-up of America's favorite cartoon characters five days a week, and Rudy and GOGO World Famous Cartoon Show airs on Saturday afternoons. The Return of The Borrowers is a TNT Original special family presentation that premiered in June. Feed Your Mind is a half-hour weekly series geared to kids ages 6 to 12, using real life situation and subjects of interest to children to teach math, science, language and the arts. National Geographic Explorer is a weekly, award-winning natural history series whose subject matter and topics often appeal to children.

TV Food Network.—TV Food Network welcomes all food lovers to experience the delicious world of food as only the TV Food Network can deliver, including appetites of all ages. Cable in the Classroom programming is under development, and likely will include cooking for and with children, adding excitement to family meals, nutrition, health news, the culinary cultures of the world and geography, as well as a historical look at foods and cooking techniques. Contact: Kiva Flaster (212/997–8835).

USA Network.—USA Network's Cartoon Express animated series is a popular choice among younger children, while offering a broad range of entertainment programming designed to appeal to members of the entire family, including original movies, series, specials, sports and children's fare. Among the most critically-acclaimed programs offered is Heal the Hate hosted by popular ''TV cop'' Dennis Franz. Heal the Hate is part of USA Network's on-going public affairs initiative directed at today's youth to educate and inform about the consequences of youth violence. Contact: Kira Copperman (212)/408–9178).

UVTV/WGN.—One of UVTV's satellite services, WGN offers a host of commercial-free Cable in the Classroom programming focusing on weather phenomena and scenic beauty. Programs include: Tom Skilling's Alaska; Hurricane: The Greatest Storm on Earth; Chasing the Wind Ten Inches of Partly Sunny; When Lightning Strikes and It Sounded Like a Freight Train.

WAM! America's Kidz Network.—WAM! is the first and only commercial-free network created entirely for young people ages 8 to 16. It has the largest block of educational programming, Reel Learning, with 12 hours of daily educational enrichment designed for classroom use. Programming is delivered 3:00 am-3:00 pm, including six hours of ''real time'' usage and six hours pre-feed for overnight taping targeted to students in grades 3 to 10. Curriculum-specific strips include current events, social studies, language arts, literature, teen issues, sportsmanship and fitness. Programming includes: Global Family, stressing the interrelationship of the environment, animals and human beings, and conservation; F.R.O.G., featuring computer use by kids to explore a variety of subjects; Space Journals; WAM! CAMS, profiling artists, film-makers, pilots and other extraordinary young people, and providing a forum for real kids to speak out on homework, siblings, stress and more. Contact: Midge Pierce (303/771–7700).

The Weather Channel.—The Weather Classroom is an ongoing series that expands on a particular topic such as lightning, tornadoes and hurricanes, and features meteorologists who connect the topic to actual events. This is a commercial-free, Cable in the Classroom program. In addition, the Weather Channel produces several educational documentaries of value to children, such as: The Power of Weather and Target Tornado. A variety of educational support materials are available, including Everything Weather, the essential guide to the whys and wonders of weather, and Project Weather Outlook, a newsletter full of the latest educational news from The Weather Channel. Contact: Carolyn Jones (770/801–2140).

CABLE IN THE CLASSROOM: PROVIDING COMMERCIAL-FREE EDUCATIONAL PROGRAMMING TO AMERICA'S STUDENTS AND TEACHERS

''I have seen the power of cable television as a teaching tool in the hands of skilled, creative educators. I wish I could count the number of teachers who have enthused over a success story: an unmotivated high school student who suddenly comes alive; a class full of elementary school students begging to go to the library to do research on a topic they've just learned about on TV; or stunned parents who report dinner-table conversations about politics and global issues instead of the usual 'uh-huh' and 'nah.' ''—Al Race, Editor, Better Viewing Magazine.

CABLE IN THE CLASSROOM

Founded in 1989, Cable in the Classroom is the cable TV industry's educational centerpiece, providing commercial-free programming to students and teachers in classrooms across the country. Local cable companies have wired, connected and provided programming to schools in all 50 states—free of charge.

Highlights

Nearly 75,000 schools in the United States currently receive Cable in the Classroom programming—or roughly 75 percent of all K–12 schools.

Cable in the Classroom programming reaches more than 82 percent of all U.S. students—or more than 39 million students nationwide—giving 4 out of 5 students access to Cable in the Classroom services.

Cable networks participating in Cable in the Classroom provide more than 540 hours per month or educational, commercial-free programming for classrooms. Programming covers all disciplines and issues.

Teachers are able to use the programming any way they choose—there are no viewing requirements, and in most cases, programming is copyright-cleared for taping and playback at a later date.

Cable in the Classroom represents an investment of well over $420 million by the cable television industry to enhance the educational resources available toward improving education. This figure represents the cumulative value of the production, copyright and clearances, installation, services, and staffing to support Cable in the Classroom in local schools.

Cable in the Classroom provides curriculum-related support materials and helps expand and improve teacher resources.

Cable in the Classroom provides the platform and gives students access to many of the electronic services on the Information Superhighway.

Cable in the Classroom publishes Cable in the Classroom magazine, a monthly resource, programming and planning guide for teachers to use as they incorporate cable programming into their lesson plans.

Cable in the Classroom publishes Better Viewing: Your Family Guide to Television Worth Watching, a monthly tool and programming guide for parents to use to better scrutinize their television viewing choices.

Thousands of free teacher training workshops have been offered by local cable companies and the national Cable in the Classroom office to help teachers make the most use of cable's resources.

More than 8,400 cable systems and 35 cable networks participate in the project.

THE FAMILY AND COMMUNITY CRITICAL VIEWING PROJECT—A CABLE INDUSTRY PARTNERSHIP WITH THE NATIONAL PTA BENEFITING AMERICA'S FAMILIES

''A publication entitled *Taking Charge of Your TV: A Guide to Critical Viewing for Parents and Children* is available from the Family and Community Critical Viewing Project, an initiative sponsored by The National PTA and the cable industry to teach television viewing skills to parents, teachers, and children. It suggests ways parents can talk to kids about what they are watching, which not only makes television a less passive pastime but transforms it into a learning tool.''—First Lady Hillary Rodham Clinton, from her book *It Takes A Village.*

The Family and Community Critical Viewing Project

Program Overview

What is the Family and Community Critical Viewing Project? The Family and Community Critical Viewing Project is a first-of-its-kind partnership of the cable television industry and the National PTA, launched in 1994 to address concerns about television and control the impact of television violence and commercialism on children.

The project trains cable and PTA leaders nationwide in the key elements of critical viewing, also known as media literacy, and how to present *Taking Charge of Your TV* workshops for parents, educators, and organizations in their communities. The goal is to help families make informed choices in the TV programs they watch and to improve the way they watch those programs.

The critical viewing workshops teach techniques to: Set rules for television viewing and how to stick to those rules, recognize the ways in which television can be used to manipulate viewers, talk to children about violence on television, and turn what we see on television into positive and educational family discussions.

Using these techniques and strategies parents open an important family dialogue, determine the strategies that make sense in their family settings, and teach their children to watch television carefully and critically.

Why is the Family and Community Critical Viewing Project important and successful? Because parents are concerned about television and are searching for solutions. The Family and Community Critical Viewing Project provides simple and effective strategies that parents can use in their homes and with their children. Thousands of parents have attended critical viewing workshops, hundreds of communities have been reached, and requested for project materials and workshops continues to grow.

Since the project's launch in October of 1994, workshops have taken place in 55 cities in 35 states. Over 1,500 PTA and cable leaders have been trained and as a result, hundreds of workshops have been held in communities nationwide.

National Awards and Recognition

The Partnership has been awarded the National Parents' Day Clarion Award for effective use of television to promote responsible parenting. The partnership received the award earlier in July at an awards ceremony at the National Press Club in Washington, D.C.

Facts and Figures

Congressional and Government official participation—Senator Bond (MO); Rep. Burton (IN); State Attorney General Humphey (MN); Deputy Secretary of Education Kunin; Rep. Moran (VA); Senator Simon (IL); and Rep. Whitfield (KY).

Mrs. Clinton praised the project in her book, *It Takes a Village,* and discussed the critical viewing project during her appearance on the KQED special, *The Smart Parent's Guide to TV Violence.*

TV programs highlighting the Project—Lifetime Television, Kids These Days; KQED, The Smart Parent's Guide to TV Violence; Cox Communications, No Holds Barred, Forum on TV Violence; CNBC, America's Talking; and Continental Cablevision, Parent Power.

Workshop presentations—American Bar Association National Convention; American School Health Association Conference; Florida—Head Start principals and counselors; Kentucky—Community workshop; Illinois—Facing Challenges of Growing Up Today Conference; Oklahoma—Oklahoma City Public School Administrators; California—Workshop held in conjunction with C–SPAN School Bus visit; New Jersey—Barnes and Noble Bookstore; Illinois Board of Education; Maryland—County commissioners, school superintendents, principals and counselors; Virginia—Alexandria Public Schools Conference; Minnesota Attorney General's ''Family Forum'' media literacy working group; Ohio Strategies Against Violence Everywhere (SAVE); New York—Comsewogue High School; Utah—United Way, Success by 6; Utah State Office of Education; Michigan—East Lansing Public Schools; South Carolina—Area School Media Specialists; and Kentucky Education Technology Conference.

Material Distribution—Requests for more than 100,000 *Taking Charge of Your TV—A Guide to Critical Viewing for Parents and Children* guides have been filled.

What People are Saying about the Family and Community Critical Viewing Project

Joan Dykstra, President, National PTA—''The Family and Community Critical Viewing Project is probably the most critical project that the National PTA has had in the past 10 years.''

Thomas P. Southwick, Publisher, *Cable World*—''That's what makes the Critical Viewing Project so refreshing. Instead of offering invective or quick fixes, it focuses on educating parents on how to make their own decisions on what they and their children should watch. It offers suggestions on how to set rules for TV viewing; how to recognize when TV shows try to manipulate viewers; how to talk to children about violence on TV; and how to use TV in a positive way.''

U.S. Senator Paul Simon (D–IL)—''Now, this is not the kind of a thing that is going to make headlines, but it is the kind of solid effort that can really make a difference in the lives of people. And I commend you.''

U.S. Senator Joseph Lieberman (D–CT)—''[The Taking Charge of Your TV workshop] is an important opportunity for educators, parents, and television programmers to come together and share ideas about critical viewing habits. The single most important tool in protecting children from negative images in the media is education.''

U.S. Senator Kit Bond (R–MO)—''I commend the NCTA and the National PTA for their commitment to improving the quality of TV viewing by developing the Family and Community Critical Viewing Project.''

Angela Thompson, Community Education Coordinator, TKR, Louisville, KY—''The workshop training offered me an excellent opportunity to connect with a reputable organization in the local community, heightening awareness of television viewing and

showing how we are responding to the customers' concerns about TV programming.''

Marty Murphy, Public Relations Manager, Continental Cablevision, Fresno, CA—''We already had a meaningful partnership with our local PTA. However, these workshops bring us closer together for a significant purpose. Endorsing the benefits of critical viewing certainly demonstrates 'cable being part of your life.' Well thought-out training guidelines allow you to concentrate on the audience dynamics and generate thought-provoking interaction.''

David Batten, Principal of Donley Elementary School, East Lansing, MI—''We all are aware television is a significant medium in the lives of our children. I'm glad we have this opportunity to involve the community in a healthy discussion of the role of television and share strategies for making good family decisions.''

Jeanne Stefanac, PTA President of Pennsylvania—''We've known for a long time that parents have been complaining about violence on television. I don't know if that will ever go away. I also do not know where else you can learn so much in so little time at such a low cost. So it (Taking Charge of Your TV workshop) is of value to us.''

Pat Whitten, Ohio PTA State President—''We're trying to make parents understand that they can control the TV sets in their homes.''

CABLE'S HIGH SPEED EDUCATION CONNECTION—PUTTING AMERICA'S STUDENTS ON THE FASTLANE OF THE INFORMATION SUPERHIGHWAY

''In my State of the Union address this year, I challenged the private sector to help connect every classroom to the information superhighway by the year 2000. Today, I am pleased to announce that the cable television industry is launching a new initiative that will help America meet this goal. The cable industry has committed to provide free high-speed Internet access to elementary and secondary schools across the country. I want to thank the industry for making this commitment. I urge other industries to join in this important national endeavor.''—President Bill Clinton, July 9, 1996.

The Cable TV Industry Commitment[1]

Cable's High Speed Education Connection

Putting America's students on the fastlane of the Information Superhighway

Beginning in 1996, the cable television industry will introduce high-speed digital services to communities across the country. Using cable's high-capacity networks, compressed digital technology and new cable modems, America's businesses, families and schools will be offered new products and services with capabilities and values unmatched by any other telecommunications provider or technology.

As these high-speed digital services are introduced into a community, cable companies will equip at least one site in every consenting elementary and secondary school passed by cable in that community[2] with a cable modem providing basic high-speed access to the Internet—free of charge.

Beginning in July 1996, and over the next year, the industry will begin to deliver on its new commitment to America's students. In the first year alone, more than 60 communities and over 3,000 schools will begin to benefit from Cable's High Speed Education Connection.

In many instances, individual companies and systems may go beyond the industry commitment and offer training, additional inside wiring of classrooms, enhanced information services or additional equipment.

Cable's High Speed Education Connection

Factsheet

What: The cable industry announces its latest contribution to the American educational system and America's children—Cable's High Speed Education Connection—a powerful new commitment to enhance the learning experience for millions of students. As high-speed data services are introduced into communities, cable companies will equip at least one site in every consenting elementary and secondary school passed by cable with a cable modem providing basic high speed Internet access, free of charge.

How: Building on the foundation established by Cable in the Classroom, with the cable industry providing wiring, connection and commercial-free educational programming for more than 74,000 schools nationwide, the cable industry once again will deploy state-of-the-art technology to benefit America's students. Cable modems provide lightning-fast, digital access to the Internet at a rate of 10,000 kilobits per second—hundreds of times faster than conventional telephone modems. Even ISDN (advanced telephone technology) moves data at only 128 kilobits per second. For instance, downloading a picture of the Mona Lisa, or data that could take 1.4 hours to transfer over typical phone lines and 22 minutes over ISDN, takes only 18 seconds to download via cable modem.

Where: Cable's High Speed Education Connection will benefit elementary and secondary schools and students across the country. As high speed digital products and services are introduced into communities, cable companies will equip at least one site in every consenting elementary and secondary school passed by cable in the community with a cable modem providing high speed Internet access, free of charge.

Who: In the first year alone, as part of the initial rollout of high-speed data services via cable modems, Cable's High Speed Education Connection will impact more than 65 communities and 3,500 schools nationwide.

When: Cable's High Speed Education Connection rolls out this year, beginning July 9, and continues as cable companies introduce advanced cable services throughout the next year and beyond.

Why: Cable's High Speed Education Connection is the latest step in the cable industry's long-standing and on-going commitment to education. Through other valuable initiatives, such as Cable in the Classroom, The Family and Community Critical Viewing Project, Cable in Focus educational screenings, distance learning and ''electronic field trips,'' the cable TV industry has invested hundreds of millions of dollars to help teachers enhance the quality of education for millions of America's children.

LOCAL PROGRAMMING FOR CHILDREN—CABLE SYSTEMS PRODUCE AND AIR QUALITY SHOWS FOR KIDS

Cable operators across the country provide exclusive local origination programming designed specifically for children.

Each year, the National Academy of Cable Programming recognizes outstanding local programming efforts with the Local CableACE Award; likewise, the Cable Television Public Affairs Association each year recognizes local public affairs initiatives launched by cable systems, featuring many programs involving children and family programming.

Among the cable operators and local programmers honored or nominated over the past year for their children's programming and public affairs initiatives are:

Local CableACE Awards—Time Warner Cable, Clearwater, FL—Clubhouse #16 and Check it Out; Paragon Cable of Irving, TX—Nature Kids and Think Smart; TCI of Denver, CO—Earth Cafe; Continental Cablevision, Metro Detroit, MI—Kid Stuff; Cox Communications, San Diego, CA—Outlook on the Physically Challenged; Media General Cable, Fairfax Co., VA—Parks Plus; Century Cable, Santa Monica, CA—The American West; Maryland Cable, Landover, MD—Scientific Expression; Continental Cablevision, Lawrence, MA—Suiting Up for the Space Shuttle; and City of Los Angeles ''Cityview 35''—Jeopardy.

Beacon Awards—Time Warner Cable, Milwaukee, WI—Kidz Biz/WCKB–TV; Cox Communications, Oklahoma City, OK—Celebrate the Magic; Continental Cablevision, Andover, MA—Stop, Think, Listen, Score!; Time Warner Cable of San Diego, CA—Find Yourself in a Book; TCI Cablevision of Bellingham, WA—No More Secrets; Falcon Cable TV (all systems)—Don't Trash Your Brain; SportsChannel Pacific—Little League Memories; TCI Cablevision of New England—What About AIDS; Cablevision of Long Island—Video Greeting Card; TCI Cablevision of Utah—Earthquake Preparation Week; and Cablevision of Boston—Extra Help.

CABLE IN FOCUS EDUCATIONAL SCREENINGS TO ENLIGHTEN AND ENTERTAIN

''It's a partnership between the education community, the cable operators and cable programmers . . . the cable industry needs to give something back to the communities we serve, and what better way to do so than with cable's quality programming.''—R.E. ''Ted'' Turner, Chairman & CEO, Turner Entertainment Group, Inc.; Chairman, National Cable Television Association.

Cable in Focus

What is Cable in Focus? It's a *Future Is On Cable* public affairs initiative that demonstrates cable's ongoing commitment to education through its programming. *Cable in Focus* teams cable operators and cable networks to conduct screenings that promote the abundance and diversity of high-quality, original and educational programming available on cable TV. The screenings often include special guests and speakers from cosponsoring organizations who lead interactive discussions.

What topics or themes does Cable in Focus address? Diversity; The Environment; Literacy; Education; Politics; and Violence.

In addition, cable operators and networks have the flexibility to tailor their screenings to feature programming addressing other issues that may be important and appropriate for their local communities.

What are some examples of the cable programming being screened? Already this year, the NCTA Conference Center has hosted seven *Cable in Focus* screenings, with more than 300 screenings held nationwide. NCTA's 77-seat, state-of-the-art theater continues to provide an ideal and intimate setting to showcase exclusive cable programming for both educational screenings for students, or for more formal cable industry VIP receptions, such as: Gardens of the World—(Home & Garden Television); Harlem Diary: Nine Voices of Resilience—(Discovery Channel); Healing the Hate—(USA Network); Science in the Rainforest—(Turner Adventure Learning/TESI); Survivors of the Holocaust—(TBS); The Black Caricature—(Black Entertainment Television); and The View from Moccasin Bend—(The Ecology Channel).

Among the many other cable programs being screened by local operators are the following: Biography—(A&E Television Network); Journey of the African American Athlete—(HBO); Keepers of Our Environment—

[1] Adopted by the NCTA Board of Directors, June 1996.

[2] The industry commitment to provide cable modems to elementary and secondary schools is consistent with the criteria used to deploy Cable in the Classroom: consenting public and state-accredited private schools passed by cable.

(NewsTalk Television); People—(The Disney Channel); The Busy World of Richard Scarry—(Showtime); and Wild Discovery—(Discovery Channel).

Who are some of the cosponsors with which cable has partnered? All American Heritage Foundation; Black Liberation Arts Coalition; NAACP/NAMIC/Urban League; National Hurricane Center; National Wildlife Federation; Reading is Fundamental; The Literacy Network; The Reading Connection; U.S. Holocaust Memorial Museum; and United Negro College Fund.

Cable in Focus is about

Providing Educational Resources—''Cable in Focus allows us to take some really wonderful, high-quality and exciting programming and go out there and help teachers teach.''—Angela Von Ruden, Public Relations Mgr., Falcon Cable, Los Angeles, CA.

Opening Dialogue—''The National Cable Television Association was the scene of an eye-opening and provocative documentary, *The Black Caricature*, produced by Black Entertainment Television. Following the documentary, the audience and invited panelists interacted, discussing strategies and alternatives regarding what we must do in counteracting negative imagery that continues to denigrate and demean our people nationally and internationally.''—Cynthia Nevels, Columnist, *The Capitol Spotlight*, Washington, D.C.

Making a Difference—''Talk about making an impact. Time Warner Cable and Home Box Office did just that with the *Cable in Focus* 'sneak preview' of *Letting Go: A Hospice Journey*. We've received calls from supervisors of the employees who came to the event, remarking about the positive feedback they received when their employees came back to work after viewing the documentary.''—Bill Evans, Dir. of Community Relations, Hospice at Greensboro, Inc., Greensboro, NC.

Building Community Relations—''I made more friends for the cable company during our *Cable in Focus* event than anything I've done in a long time. It was 100 percent beneficial from a marketing point of view. People had a face to talk to, and they really appreciated that.''—Gloria Pollack, Education Coordinator, Cablevision Industries, Chatsworth, CA.

COMMUNITY RELATIONS AND PUBLIC AFFAIRS—LOCAL CABLE OPERATORS AND NETWORK PROGRAMMERS CONTRIBUTE TO THE COMMUNITIES AND FAMILIES THEY SERVE

''The importance of cable public affairs—demonstrated in a variety of ways, from internal communications to the messages and programming cable sends to its subscribers and communities—continues to grow in this new era of telecommunications reform, convergence and competition.''—Lawrence W. Oliver, Publisher, Cablevision Magazine, 1996 Beacon Awards Special Supplement.

Community Relations and Public Affairs

The following is a representative summary of the wide range of community relations and public affairs efforts made by local cable operators and network programmers—initiatives that have had a direct and positive impact on the lives of children and students across the country. The following examples of these efforts illustrate the breadth and diversity of cable's contributions—but do not include every cable system or cable network initiative.

Continental Cablevision, Boston/Discovery Channel—The core of this collaborative project was a promotional contest for elementary school students and teachers, which coincided with Discovery's Space Shuttle documentary. Rather than having students passively receiving information about space, Space Camp designed a two-week curriculum in which students were instructed to build a space suit. Nearly 4,000 students and teachers from 100 schools participated, with more than 800 space suits designed. Winners received a trip to Space Camp in Huntsville, Ala. The contest was implemented in most Continental systems, reached nearly 600 communities and more than 1,500 public officials—including a congratulatory call from President Clinton.

Time Warner Cable, Milwaukee, WI/E! Entertainment Television—Warner Cable Kidz Biz/WCKB-TV is a 15-minute news/information show written and produced by students from 22 schools in Time Warner's service area. The series, in its second year, features a mix of news reports and celebrity/local personality interviews. Time Warner worked with E! Entertainment Television last year to send two Kidz Biz reporters to Los Angeles to cover the Academy Awards. Also, the program staged its own awards outreach, CAMY (Cable and Media for Youth), recognizing excellence among Kidz Biz talent. Time Warner's program continues to receive kudos from schools and media—nationally, statewide and locally—as a one-of-a-kind media literacy tool.

UVTV/WGN—Winner of the 1996 Golden Beacon Award for outstanding public affairs achievement, UVTV created the Find Yourself in a Book project to help youths discover literacy for themselves in a natural, contemporary way. The central element of the campaign is a series of video messages that describe the plots of popular literature in every day language. More than 1,300 cable systems nationwide offered the campaign, making it available to nearly 23 million cable homes. More than 1,100 educators have contacted UVTV directly to enlist its help in implementing the campaign and airing spots in their communities.

Bravo Cable Network—With Bravo's Arts for Change advocacy campaign, Bravo seeks to teach at-risk kids how arts can make a difference in their lives. In the process, Bravo donated more than $360,000 of its airtime to promote the campaign through public service spots. Also, a $10,000 grant program was created to recognize local arts groups that are most effective in reaching kids. For this portion of the program, Bravo joined with the National Assembly of Local Arts Agencies, American Library Association, The Boys/Girls Clubs of America and the National Foundation for Advancement in the Arts. From more than 365 entries received, Bravo selected four $2,500 grant winners. The grant program will continue this year.

MediaOne, Atlanta, GA/C–SPAN—MediaOne organized a series of system activities to help students understand local, state and national government procedures. Throughout one week, MediaOne and Hapeville Elementary School coordinated a C–SPAN sponsored essay contest and discussions about how members of Congress respond to issues, mock student elections and classroom presentations by a Georgia state senator and representative.

Continental Cablevision—The TV Tool Kit is a package of instructional and entertaining guides and videos that children, parents and teachers can use to view television with a more discerning eye. The TV Tool Kit has been distributed to over 3,000 schools, libraries, and community organizations throughout the country with the help of such organizations as the PTA, the 4–H Club, the YMCA and Cable in the Classroom.

Cox Communications, Warwick, RI/WROB—Maryann Artesani, a fourth grade teacher at E.G. Robertson Elementary School, started a student-produced news show in her classroom back in 1990. Since then, her 10-year-old students have had the opportunity to interview Secretary of Education Richard Riley, three Rhode Island governors, the Rhode Island Commissioner of Education, several children's book authors and local celebrities, all thanks to financial and in-kind support resources and equipment supplied by Cox Communications.

Tele-Communications, Inc., Houston, TX—When Texas initiated a campaign to publicize the alarming lack of immunizations among children, TCI responded by significantly expanding its annual Health Fair. TCI arranged to have a cross-section of health care agencies, public service organizations and entertainers at various locations throughout Houston to present free health care screenings and preventive information. The fair was an opportunity for children to have their shot records updated, and it also provided pre-school and infant immunizations. Cholesterol, blood pressure and dental screenings were also offered, along with information on other medical conditions. TCI's fair provided more than five times as many fee immunizations as other Houston area health fairs.

Comcast Cable, Mercer County, NJ—MercerNet is an interactive wide-area fiber-optic network being developed by Comcast Cable and an educational consortium. The network will link all Mercer County public school districts, the local community college and a local science center with one another and with each of the county's public libraries, community and state colleges and special service centers. Fourteen interactive video classrooms with multi-data channels will be connected to MercerNet, supported by a $700,000 grant from the National Telecommunications and Information Administration. The network will provide: interactive TV for distance learning and community programs; high speed cable access to the Internet; and high speed data connectivity via cable, interfaced with multimedia video libraries in and out of the county. The project will serve as a model for cost-effective delivery of educational and other community services.

Media General Cable, Fairfax, VA—Students at Stenwood Elementary and Rocky Run Middle Schools in Fairfax County, VA can type or talk via the Internet to students and professionals from around the world, while watching them on live, two-way video. Launched in 1993 by the National Science Foundation, Global Schoolhouse has expanded from four pilot schools (three in the U.S.) to over 20 schools in the U.S. and overseas. Media General supplied participating schools with a connection to the Internet, while other corporations provided computer equipment. Students at Stenwood were able to teleconference with NASA in Houston, talking face-to-face with staff about propulsion systems for an imaginary space station they were designing. Their project culminated with an overnight, 12-hour ''space mission'' when sixth graders decorated the gym to resemble a space station, ate meals they custom-designed for space travel, and conducted experiments on-line, sharing their experiences with other children around the world.

Falcon Cable TV, Los Angeles/MTV Networks/VH1/Comedy Central—With substance abuse among young people on the rise, Falcon partnered with MTV Networks, VH1 and Comedy Central on a prevention-minded project. The campaign was designed to reach teens and parents through a T-shirt design contest, plus a resourse sheet that suggests ways parents can communicate with their kids about drugs. Falcon enlisted 42 participating systems and received widespread promotion and local recognition from leading public officials.

Adelphia Cable, West Seneca, NY/The Family Channel—Partnered with the NAACP, Adelphia Cable of West Seneca organized a screening of The Family Channel's original production of *Tad* for students of Holland Middle School during Black History Month. *Tad* depicts the story of life in the White House during the Civil War, as seen through the eyes of Abraham Lincoln's young son. During the week prior to the screening, Holland Middle School teachers organized a comprehensive, interdisciplinary education plan that linked the students' classes and contemporary education with those of the era of the Civil War and the *Tad* film. Art students produced calligraphic works of Lincoln's speeches, and music students researched Civil War music, which was played while guests were being seated for the screening. To enhance the learning experience, Daniel Acker, president of the Buffalo chapter of NAACP, led a discussion with students after the screening.

Time Warner Cable, Houston, TX—*Be An Angel Fund* is a local charity that provides recreation and communication devices to physically challenged children in the Houston area, and is headquartered in the T.H. Rogers School, the first school in the nation to mainstream deaf, gifted and multiply-handicapped children. Time Warner has been involved with the fund for 10 years, providing financial and in-kind support. Time Warner produced a *Be An Angel* video, worked with former President George Bush on the dedication of a $1.2 million hydrotherapy complex and raised a record $36,000 for the fund during an annual charity golf tournament.

REMARKS BY WILLIAM A. OLIVER, CORPORATE & EXTERNAL AFFAIRS VICE PRESIDENT, BELLSOUTH TELECOMMUNICATIONS; PANEL DISCUSSION—HOUSE EDUCATION CAUCUS

Let me thank you for inviting me to be a part of this panel discussion today that the new House Education Caucus is sponsoring. The formation of this caucus is long overdue, and I commend those of you who will be a part of it for your willingness to make a place in your busy schedules to participate in such a group. It will surely be time well spent, however, as there are few areas of daily life that will have as big an impact on the long-term future economic health—and general societal well being—of our country as the type and quality of education our coming generations of children and young adults will receive.

Certainly, as a company, BellSouth feels that way—we are very involved in many, many community activities, but none are more important than our support of efforts to improve educational systems throughout the areas in the southeast where we are the local phone company. Our motives are not entirely benevolent; it's a matter of survival. We are absolutely dependent on an educated populace as prospective employees, to develop the new technology that will allow us to grow and expand, and as consumers to buy and use all of this new technology.

We are not, of course, alone with regard to the work force issue. American business in general is caught in a painful paradox today. Frequently, when openings are announced, applicants line up by the hundreds. Yet, managers say they can't find people to fill jobs.

What employers need is people with the right skills—men and women with the ability to read with understanding; the ability to communicate clearly with other people, both by the spoken and the written word; the ability to think through a problem or situation; the ability to calculate with at least a rudimentary understanding of algebra and geometry; the ability to analyze; and the ability to get along with other people and work productively in teams.

Even when the line of applicants stretches around the block, only a few may be able to handle such assignments. An information Age economy and its high-tech jobs are creating a new calculus of economic growth for nations and new job opportunities for individuals. And job today are far different than when a strong back and a willingness to sweat got you a job.

As a corporation, in one of the highest tech industries, we've been acutely aware of this for some time and our Chairman, John Clendinin, has been a national leader in school-to-work initiatives and similar efforts. The overall goal of improving education is so important to us, in fact, that over the past 5 years, we've provided almost a quarter of billion dollars in direct and indirect support to education. And, this is increasing on an annual basis.

This work force preparedness issue is a critical one for everyone, and I know that a lot of other participants here today will address it in their remarks—probably much better than I could ever hope to. I will therefore defer to them and limit my comments to two areas that I am more familiar with—they both concern the availability of new technology—telecommunication, cable, satellite, etc.—as tools for improving our education systems. BellSouth has found itself become more and more deeply involved with this issue as information services are increasingly becoming fundamental tools for student learning.

The first question that I would therefore like to address is, ''Who should provide the national leadership and direction in deploying the wonderful new information age technology that is becoming available for education purposes.''

Fundamentally, both we, and our nation's schools, are in the communications business. Schools communicate and pass down through the generations—and throughout the population—the knowledge, values, ethical standards that a society needs to survive and prosper. BellSouth provides communications channels.

We're just the latest in the series of knowledge pipelines that educators have used to funnel knowlege—a series that started with face-to-face teaching and evolved into using books, films, closed-circuit TV, and now—distance learning. We are, however, a big part of the largest, most widespread, and most far-reaching knowledge pipeline that the world has ever seen.

The challenge to both us, and to educators, is to determine how to use this pipeline most effectively. We've always known that the technology in our networks represented a potentially enormous asset for the education community. In years past, we've been trying to force feed this message to them from the outside.

The problem is that we're not educators. It would be a whole lot better if, instead of us telling educators what to do with our technology, they would tell us what should be done. The use of this valuable new tool should be directed from within the education community, not from the outside. Just as we should be providing them information on what kind of worker skills we need as school-to-work programs are developed, they should be guiding us on the use of technology in the classroom.

This requires, of course, that educators have a good understanding of the technology involved and its capabilities. This expertise is developing, but unfortunately it is not yet as widespread as it needs to be. We need to reach that critical mass of knowledgeable educators who will provide the leadership in deploying current and future telecommunications technology for your use. We are committed to working with them to reach that point.

That's one area where we—BellSouth and others in our industry—can take the lead in hastening the dawn of the Information Age throughout the nation's educational infrastructure. I think this is going to happen in the relatively near future. I believe we're developing an industry-educator dialog on this. Frankly, I wish all our concerns were as simple as this.

The other question involving telecommunications and education that I want to address in these brief opening comments is a lot tougher—and I feel that it is one that only Congress can finally resolve in the country's overall best interests.

As you well know, not only is telecommunications technology changing, our whole industry is changing. This is going to make the next few years a time of great opportunity . . . and some risk in so far as the future availability and affordability of the wonderful new knowledge pipelines I mentioned previously.

The rules that U.S. telecommunications companies were playing by until very recently were written in 1934—over 60 years ago—before computers, before television, before satellites. In recent years, this technology, and the competition it fostered, had made the rules regulating our industry unworkable. Obviously, something had to be done, and you did it. Last February, Congress passed sweeping changes in telecommunications law, that I believe you thought once-and-for-all effectively unlocked the door to the ''information age.''

Its passage should potentially affect every American who turns on a television set, listens to radio, uses a telephone, or surfs in cyberspace. The industrial revolution profoundly changed America; this information revolution should have an equally profound change—Distance learning is a great example that will be of particular interest to this caucus; telemedicine is another example; electronic commerce is another application; teleconferencing; telecommuting; the list goes on and on.

Yet, these applications are just brief glimpses of the future in the information age. We are not talking about evolutionary change in one industry. We are talking about a revolution in society—something that will significantly affect the daily life of everyone. In the 21st century America will be a better educated, healthier, safer, more productive and more competitive country.

This is good news, and it is very good indeed. By and large, and in the long run, the changes in our industry are going to be good for the country. However, the real challenge will be to make sure that everyone shares in the benefits of this new information age. Telephone service must remain affordable to everyone—poor, handicapped, rural, urban, etc. We have to find ways to keep all of this wonderful new technology readily available and readily affordable for schools so that everyone can learn to use it and reap the educational benefits it makes possible. We cannot risk dividing society into information age ''haves'' and ''have nots.''

This is a critical issue for the education community in particular because the rates currently charged schools are generally very heavily subsidized. That's why maintaining the ''universal service'' philosophy that served our nation so well for so long as a foundation for telecommunications policy is so important.

We have to find a way to replace the old system of subsidies with a new system that will work in the competitive world—a system that will take a small amount from those who are profiting mightly from the more lucrative telecommunications market and use that money to make access to the information age available to everyone. Congress recognized this and made it clear in

their passage of the Telecommunications Act of 1996 that universal service was to be preserved no matter what else happened in the newly competitive telephone industry.

Universal service and subsidies are the big societal issues that regulators and legislators—and the telephone companies themselves—have left before them.

The legislation you passed in February said that universal service must be preserved—you were very clear about that, but you weren't exactly precise about how to do it. You left the details of implementing the legislation to those most familiar with our industry—the FCC, state regulators, and the many old and new competitors in the game.

Apparently, enacting good telecommunications law is turning out to be a lot easier than implementing it. Frankly, some of the discussions being heard about this are extraordinarily troubling. In the course of the FCC's ongoing proceedings, things are being said that would lead one to believe some either did not hear, did not understand, or did not want to understand what I feel Congress clearly intended to do in the legislation passed last February. Some of the actions that are being proposed would greatly endanger universal service.

I believe as an information services industry that we must all commit to the preservation of universal service and that government agencies must assure that we do. We have the most affordable, widely available communications system in the world now and we must all make sure that the new rules of the game do not change this.

I can assure you that BellSouth is committed to universal service. That's why we agreed to a Louisiana Public Service Commission order last March that makes us the service provider of last resort in the areas where we operate; it's why we have capped our basic residential service rates for five years so that consumers are protected during the period of change to competition in our industry; it's why we and the Public Service Commission have made our fastest data circuits available to schools and libraries at greatly reduced rates—we want to make sure no one gets left behind as telephone service providers have an economic incentive to focus on big, profitable customers.

In closing, I would urge members of this caucus to stay attuned to the debate on the universal service issue in the FCC's current proceedings to assure the rules developed will produce the kind of future for our industry that Congress envisioned last February. This is critical for the future of education, and I believe also for the overall well being of the national economy. Thank you again for having me here today and giving me an opportunity to share my thoughts with you.

THE POLITICS OF ORGANIZED LABOR

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I appreciate your indulgence and the staff's indulgence. I will try not to take the entire 60 minutes, but I have something that I have to say to you and hopefully through you, Mr. Speaker, to the workers of this country. The workers of this country I want to speak to tonight, partly because this past Monday was Labor Day. As you know, the Congress was out of session. We were not here in Washington. But there were a lot of speeches given, a lot of rhetoric was passed. And I think many of the Washington labor leaders laid the foundation for what they hope will be a very successful political campaign totally in concert with the Democratic Party, both from the standpoint of the presidency and congressional and senatorial races across the country.

I want to talk about that for a moment, Mr. Speaker and, through you, I want to talk to those rank and file union workers across the country who I think have been sold a bad bill of goods or, in fact, I would say have not even been sold the case. They have been had.

What do I mean by that, because that is a very serious charge? The basis of my outrage and my concern is that last spring when the AFL–CIO leadership met in Washington, they had a vote to require every AFL–CIO member in the country, whether they agreed or not, to put up a dollar of their dues over a period of 3 years that would raise a total of $35 million. This $35 million that is being taken from the paychecks of workers in the Teamsters, in the building trades, in all the major unions across this Nation, is not going to elect just labor-sensitive Members of Congress. It is going to support one political party and one political party only. To me, Mr. Speaker, that is an outrage.

Is it an outrage to me because I am a Republican or because I hate labor unions? I do not think it is the case, Mr. Speaker, because I am one of those labor-sensitive Republicans who during my 10 years in Congress been out front supporting many of the issues important to working men and women and in many cases the leaders of my local labor unions back in Pennsylvania. So I am not someone who has been against many of labor's top priorities. But what outrages me is what a few leaders in this city have been able to force upon the millions of rank and file workers across the country and it is to their workers, those workers that I want to speak tonight, because I do not think they really understand the facts.

We would think if labor was going to assess every member of its rank and file across the country and every local labor union, that in fact that money would go to defeat those Members of Congress who do not support the priorities of organized labor. That is not the case. Because in fact, Mr. Speaker, of the $35 million that is being used to run ads, for instance, in the district of my neighbor, JON FOX in Montgomery County, even though JON FOX has supported many of labor's top priorities, that half a million dollars being used against JON FOX and being used against PHIL ENGLISH and against JACK QUINN and against a number of Republican Members across the country who have been supportive of labor's priorities is not being used against Democrats who have zero voting records on labor issues.

Now, one would wonder why the Federal Election Commission, Mr. Speaker, would not do an inquiry, if we have an organized group in this country forcibly assessing $35 million from rank and file workers and yet only targeting that money against incumbent freshman Republicans and yet that is exactly what is happening. In fact, Mr. Speaker, my office has done a study and we have looked at the voting records as determined by the AFL–CIO, and we have found that no incumbent freshman Democrats, even those from right-to-work States, even those who have zero or 5 or 10 percent AFL–CIO voting records, are being targeted. None of them. All of the money that is being forcibly collected from organized labor is being used to only support Democrats and to defeat incumbent Republican Members of Congress.

Now, why would this happen? Would it be because the national leaders and the rank and file workers across America are so unhappy with the agenda of the past several years and all of the Republicans? I would think not, Mr. Speaker. Let me go through some items point by point.

First of all, Mr. Speaker, I can tell you that when Bill Clinton was first running for office and the Democrat Party controlled the Congress, both houses, I was the Republican who offered the compromise Family and Medical Leave Act that is now law. Do you know something, Mr. Speaker? That bill passed the House and the Senate a year before the final conference was brought before us for a final vote. Why was that done?

It was because the Democrat leadership was not concerned about rank and file workers who wanted family and medical leave. Rather, they waited an entire year because they wanted to have George Bush veto the bill in the middle of the Clinton-Bush election. Were they concerned about rank and file workers? No, they were concerned about scoring political points. Then maybe it is because the President has been so supportive of labor's agenda over the previous 3 years.

☐ 2100

Well, let us look at the President's agenda in line with the rank-and-file labor movement's agenda over the past several years. Organized labor, Mr. Speaker, in this country, the first 2 years of the Clinton administration, had two top priorities. Their two top priorities were defeating NAFTA, the North American Free Trade zone legislation, and passing the anti-strikebreaker legislation.

Now let us look at each of those pieces of legislation and see what this President did to help enact each of those.

The President was not with labor on NAFTA, Mr. Speaker. The President lobbied hard to pass it. He passed NAFTA in the House, largely with Democrat and Republican votes, he passed it in the Senate, and he signed it into law.

I have introduced legislation in this session, Mr. Speaker, that says that

this President was not truthful with the American people. He said that when NAFTA was passed the side agreements would raise up the worker standards and the environmental laws in Mexico to avoid the drain of jobs south, and that has not happened. My bill says that each year the President must certify that progress is being made. My bill was introduced because I opposed NAFTA. I was supportive of labor's position; the President was not.

Let us look at the anti-strikebreaker bill, Mr. Speaker. Here was a piece of legislation labor said was their top No. 1 priority. That bill passed the House, Mr. Speaker, and it passed the House with Republican support. In fact, there were enough votes to pass it in the Senate. Now President Clinton says he was in favor of the anti-strikebreaker bill, but let us look beyond the rhetoric, and let us look at whether or not he really was truthful to the rank-and-file workers across America who are paying a dollar a month for 3 years out of their pay to support this President in this election whether they like it or not.

To get a bill on the floor of the Senate without a filibuster or to avoid a filibuster you need 60 votes. As you know, Mr. Speaker, it is called invoking cloture. The anti-strikebreaker bill passed the House with more than enough votes because it had Republican support. There were enough votes in the Senate to pass the anti-strikebreaker bill. But guess what, Mr. Speaker? They could only get 59 Senators to vote for cloture to cut off the debate.

Now how does that relate to President Clinton, Mr. Speaker? Neither Senator from Arkansas voted for cloture to allow the antistrikebreaker bill to come up on the floor of the Senate for a vote. Now here we have a President from Arkansas, and do we really believe that the rank-and-file workers of this country really believe that President Clinton could not convince one of those two Senators to vote yes for cloture to give the 60-vote number and then vote against the bill, because it still would have passed?

You see, Mr. Speaker, this President wanted to have it both ways. As he has done repeatedly throughout the last 3½ years, he wanted the Congress to pass NAFTA, and he wanted to say to the rank-and-file workers, ''I am for it and I am going to sign it, but, oh, by the way,'' as he told small business owners, ''it will never come to my desk for a signature.'' Why? Because he would not lift a finger to help get the votes to invoke cloture in the Senate. So again rank-and-file union workers across the country were betrayed.

Where was the Washington leadership, Mr. Speaker? Where were they on strikebreaker? Where were they on NAFTA? And let us look beyond that, Mr. Speaker, because we saw and we have heard the rhetoric coming from the national labor leadership about the minimum wage vote.

The first 2 years of the Clinton administration both the House and the Senate were controlled by the Democrats in the majority. There was not one movement to bring up a minimum wage bill in either body. And, as a matter of fact, the President is on the record as having said in the first 2 years of his administration that he thought the minimum wage increase was a mistake. But this session, with Republicans in control, he thought it would be a wedge issue.

Where were the organized labor leaders who were mandating contributions from the workers the first 2 years of the Clinton administration? Why were they not siphoning off that dollar a month out of the paychecks of those workers to support those who supported the minimum wage?

But it even gets worse than that, Mr. Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Pennsylvania [Mr. WELDON] will suspend for just 1 minute, please.

The Chair would like to remind all Members that it is out of order to characterize the position of the Senate or of Senators designated by name or position on legislative issues.

The gentleman from Pennsylvania may proceed.

Mr. WELDON of Pennsylvania. I thank the gentleman, and I would just say, Mr. Speaker, the real outrage of my feeling here tonight is best expressed by what this President and his party are doing to those workers who work in the defense and science technology base of this country. Here is a President talking about job creation, and here are national AFL–CIO leaders saying, ''We are going to take a dollar a month out of your check and put it into a $35 million fund to defeat freshmen Republicans so that we can create jobs.''

Where were those big labor leaders, Mr. Speaker, when this President decimated defense spending? Over the past 3 years 1 million men and women in this country have lost their jobs. Now were these minimum wage jobs? No, they were jobs represented by the UAW, by the International Association of Machinists, jobs represented by the Electrical Workers, by the building trades who build and construct the base housing and the facilities on our military bases. They were jobs held by building trades and teamsters and machinists and boilermakers who build our ships and UAW workers across the country. This President's cuts in defense spending eliminated 1 million of those jobs. We did not hear a peep out of the national labor leadership in Washington about those job losses.

Furthermore, Mr. Speaker, over the past 2 years the Congress under the Republican leadership has brought defense spending back to a sensible level of spending. Have we increased it dramatically? No. We have given the service chiefs the dollars that they feel are necessary, not what Bill Clinton's political appointee wants in terms of the Secretary of Defense, but what the members of the Joint Chiefs say they need to protect our troops.

Now here is the irony, Mr. Speaker. This President has railed publicly, and the administration has railed publicly, about the Republican Congress increasing defense spending. In fact, I was one of the few Republicans who voted against increasing funding for the B–2 bomber. I felt we could not afford it.

Now this President said he was opposed to the B–2 bomber. What did he do last year after Congress prevailed and increased funding for the B–2? Well, he took a trip out to the California plant where the B–2 is manufactured, and he gave a speech, and he said to the union workers and the management standing in back of him we are going to build 1 more B–2 bomber, and we are also going to have a study done of our joint deep strike bomber needs, and that study will come out in November right after the election is over.

Again, rank-and-file union workers have been used.

Mr. Speaker, here is the real irony of what is happening this year with the AFL–CIO, and this to me is absolutely outrageous. That $35 million that is being collected right now from every member of every AFL–CIO local in America is being used to target Members who voted for funding the jobs that many of them now hold.

Now is that not outrageous? Can you imagine being a worker at the C–17 plant where Republican Members voted to increase funding for the C–17 and now having those workers—and I totaled this up based on the number of workers at that facility, 8,000 of them—they are now contributing forcibly $350,000, not with their consent. It was forced out of their pockets to defeat those Member of Congress who supported the funding for the jobs that they now hold.

I wonder if those workers really understand what is happening, Mr. Speaker. I wonder if they are aware that a few, and it is only a few, Mr. Speaker, because the bulk of the labor leaders in this country are honorable men and women. Many of them in my district good friends of mine. Many of them here in Washington are good solid friends. But when I talk to them about this issue, they nod their heads and they say, ''We know. We know what you are talking about, but it was a decision made above our pay grade.''

So here we have a decision made by a few leaders in the AFL–CIO to siphon money off of workers, to use that money to spread misinformation and defeat candidates who in many cases have been supportive of the very jobs that those workers have. To me that is an outrage, Mr. Speaker.

And let me say this and to make this point clearly. We did not increase defense spending to create jobs. We increased defense spending because of the

threat that is out there. But when this President criticizes this Congress for increasing defense spending, and then talks about the loss of jobs in this country, and then has the audacity to go out to plants where the ships are being built, where the aircraft are being manufactured caused by that increase in spending, and cut the ribbon on those projects, then that to me is outrage, and that is what is happening right now, Mr. Speaker. This President in his political campaign is going around the country and he is boasting about jobs being created. He is going to plants where ships are being built, where planes are being manufactured, where bases are being rehabbed. He is criticizing the Congress in Washington for increasing defense spending, but he is going out across America, one State at a time, especially in California, and he is saying, ''I am here to support your job.''

And on top of that, Mr. Speaker, those Members of Congress who stood fast for increases in science funding and the technical base and the space program and in defense because they were the right decisions are now having money forcibly taken from those workers who have benefited to be used to target those Members for defeat. That is not America, Mr. Speaker. It is not America when a few people inside the Beltway can force people to put money into candidates that they know nothing about or perhaps are voting against their very interests.

Now do I rise to say all this as someone who is upset because of what the AFL–CIO is doing to me personally? Absolutely not, Mr. Speaker. As a matter of fact, out of the 21 House races in Pennsylvania when the State AFL–CIO in Pennsylvania endorsed, they endorsed 20 Democrats and left one district with no endorsement. That is my district.

They are not running ads in my district, Mr. Speaker, so I am not here complaining about what is happening to me. But I cannot sit by any longer and allow my friends who are working people across this country to have their money be taken and used for a partisan political purpose, and that is exactly what is being done.

You see, Mr. Speaker, I am a Republican, but I was involved in a labor movement. I was a teacher for 7 years, vice president of my association, taught in the public schools right next to west Philadelphia, served on a negotiating committee for 3 years, so I know what it is like to be active in the association. For the 7 years before that, and while teaching and going to college, I worked in a market and was an active member of the retail clerks union. I come from a large family of nine children, the youngest of nine. My father was in the textile workers union most of his life. I am sensitive to issues involving working people because I think we as a society and as a country need to be fair.

But I stand before you tonight, Mr. Speaker, and I say through you, Mr. Speaker, to all of those millions of men and women across this country who are involved in labor unions:

Your leadership is not being fair. They have taken your money forcibly, and they're not using it for just to support what is right for you. They're using it for a narrow focus political agenda to support one party.

Mr. Speaker, anyone who analyzes the history of this institution could quickly show that no piece of legislation supportive of working people has ever been passed without bipartisan support. From family and medical leave, to anti-strikebreaker, to plant closing legislation, to any other piece of legislation that is significant, every one of those bills has had bipartisan support. Yet, Mr. Speaker, in this election $35 million was pulled from the pockets of working men and women to be used for a national agenda, in many cases to defeat those Members of Congress who voted for the funding to keep those very people employed.

My contention is, Mr. Speaker, we heard earlier some of our comrades and colleagues from the Democrat side saying the polls are showing there is a huge lead. Once the American people see through the rhetoric and the demagoguery, once they see that a few people in Washington have siphoned off forcibly $35 million to be used to misinform the American people, those numbers are going to change.

☐ 2115

Let me say this, Mr. Speaker. How much outrage would this country have if corporate America forced rank and file management employees to kick in $35 million to defeat Democrats across the country? You would have a national scandal unfolding. That does not happen. In fact, all the studies that have been done show that most companies allow the workers who contribute to their PACs to have a say where the money goes.

In the case of this $35 million siphoned out of the pockets from America's working people, they will not have a dime's worth of say as to where their money will go. Now, we logically should ask the question, does that mean that every rank and file labor union worker will vote Democrat? In fact, Mr. Speaker, in the last election the polls showed that 40 percent of the American unionized work force voted Republican. What happens to those 40 percent? Are they being disenfranchised? Are they having money pulled out of their pockets to be used to defeat people that they in fact are going to vote for? That is not American, Mr. Speaker. That is not right.

Mr. Speaker, I stand here tonight because I have credibility with working men and women in this country. I am not out to hurt them. I want to support them, as I have done this session, in protecting Davis-Bacon. It was a group of Republicans, largely freshmen Republican Members, who went to the leadership and said, do not strip away Davis-Bacon protection. Do you know what, Mr. Speaker? Those rank and file building trades workers across the country who rely on the prevailing wage now have been forcibly taken, had money taken out of their pockets to be used to defeat those freshman Republicans who stood up for the prevailing wage.

I am the author in this session of the modification to Davis-Bacon that has bipartisan support. At last count, 128 Members from both parties cosponsored my bill to reform Davis-Bacon, with the support of the national labor leaders of the building trades and the manufacturing groups. I will stand up for what is right, and I will be honest. As a Republican, I will disagree with my party from time to time if I feel we are not being sensitive enough. But I cannot stand by silently and see a few, and I am talking about a handful, a handful of people in this city forcibly take $35 million from the pockets of working men and women and use that money to hurt those same people.

What is the feeling of our Republican Members, Mr. Speaker? I can tell the Members, in talking to a number of my colleagues who are sensitive to labor issues, there is a feeling of absolute outrage, absolute outrage, because these Republican Members, and there are about 40 or 50 of them, have walked side by side in standing up for what is right for working people, even when right-to-work Democrats voted against every one of those initiatives.

Yet, what has the national labor leadership done? It has defied the rank-and-file worker, saying we are talking about your money, we do not care about right-to-work Democrats, we do not care about Democrats who do not support labor unions or labor's agenda, we are only going to target Republicans because we are totally in bed with the Democratic leadership and Bill Clinton, the President of the United States. Excuse me, Mr. Speaker, I should not say his name.

This is an outrage and I am not going to let this election go by without doing what I can to expose what is taking place in this country. I said earlier I was a teacher for 7 years, active with the education association in my State, vice president of my local association, and a negotiator. Mr. Speaker, there are 25 classroom teachers in this Congress in the Republican Party.

The NEA and the AFT, the two largest labor unions, over the past 2 years have contributed $3.5 million to campaigns, 99 percent of it to Democrats. Forty-four to one. For every $1 of money to a Republican, $44 to a Democrat. It does not matter whether they were teachers or not, or whether they support good schools, or educators. This was our Republican candidate's point, Mr. Speaker, It was not what we heard from the other side about taking on teachers. This party is not against teachers. This party is against large institutional labor union leaders who have a political agenda as opposed to an agenda for rank-and-file workers.

Mr. Speaker, that is where the battle is. The battle is not with those classroom teachers who need more support and who need decent pay and benefits. It is against those leaders who have a totally political agenda that is in many cases a personal agenda to move themselves forward, as opposed to the people they are siphoning money from.

Mr. Speaker, I hope, as this election unfolds over the next 2 months, in every city, in every town, in every county we expose what is happening to every rank-and-file worker in this country. We can have honest differences in how to increase people's economic viability. We can have honest differences in how to improve the economic lot of people who are trying to work for a living. But no one should be forcibly made to contribute to an agenda set by someone else. That is what is happening in this country right now.

To those rank-and-file workers, Mr. Speaker, across America who will see this or hear this, and I guarantee you we are going to spread this message, I say that they need to let their labor leaders know that enough is enough, they are not pawns in the game. As my local labor leaders back in my county so ably know and do, they support those who are friends to them and they oppose those who are enemies. But Mr. Speaker, the national labor leadership cannot understand that, because they only see one thing. That is a political agenda of one party.

So in effect, they sell out the millions of rank-and-file workers who want to have people represent their views. They sell them out for a larger political agenda that supports one party and one idea and agenda of bigger Government.

Our job, Mr. Speaker, is to dispel this notion and to get the facts on the record as they are. I am going to go to every district I can and provide every piece of information I can to every defense plant in this country represented by a labor union. I even heard that the administration, the President and the Vice President, wanted to come to Philadelphia, Mr. Speaker, to go to a local plant where the V–22 was built. That is nice they wanted to do that. I wonder if, when the President came up there, he would mention the fact that it was not he who supported the increased funding for that program, but rather, it was the Congress that supported that increase in funding. Why? Because the Marine Corps has it as their top priority.

I understand the President may want to travel to some shipyards where he can cut the ribbon on some ship keels. I wonder if he is going to tell those workers that it was not he who supported the increased funds for those ships, but rather, it was he who criticized the Congress for increasing funding by the level of $12 billion in this year's authorization and appropriation bills.

I wonder if when the President goes out and talks about programs, whether it is the B–2 or missile programs, he is going to be honest in telling those workers that he opposed the funds that have been requested by the service chiefs that we in this Congress, in a bipartisan way, have brought forward.

Let me make that point again, Mr. Speaker. Our funding for defense in this Congress was not a Republican base alone. In fact, the defense authorization bill, which passed on this floor, had almost 300 Members vote in the affirmative. In fact, the final conference report had over 300 Members voting in the affirmative. That is not a Republican plan, that is a bipartisan plan supporting what is good for America.

My point is that those voters, those Members of Congress who voted to support that increase in funding to provide for those new programs at the same time are having their Washington handful of labor leaders siphon off $35 billion to defeat the very Members who have supported their jobs.

Mr. Speaker, we cannot let this administration have it both ways, as they try to do all the time, as this President did when he went before APAC, the largest association of supporters of Israel in this country. He want to their national conference and he said how supportive he was of Israel. He said, furthermore I am going to increase the funding for the Nautilus program, a new missile defense initiative that will protect the people of Israel from the Katyusha rockets being fired into Israel.

What he did not tell the people at APAC, Mr. Speaker, which we have now put on the record many times, is that in fact this administration zeroed out funding for the Nautilus or high-energy laser program for each of the last 3 years. They tried to kill the program. But this year, because, I guess, the President felt it was a good political time, he went before APAC and said, we are going to move this program forward. If it had not been for the actions of this Congress in a bipartisan way, that money would not have been there for that decision to be made. But again, this President was able to have it both ways.

As we just recently saw with the debate over terrorism, it was this Congress that increased funding for antiterrorism initiatives long before the downing of the TWA flight, long before the killings in Saudi Arabia of our troops. It was this Congress over the past 2 years that held hearings and put additional funding in for anti-terrorism initiatives to the extent of $200 million above and beyond what President Clinton said he needed, but well in line with what the service chiefs said was important for the security of our country and our people.

Mr. Speaker, I am outraged tonight, this, the week of Labor Day, when we celebrate the rich history of this country, where those of us in both parties can support the right of people to work and have decent paying jobs, and even to join and be involved in labor unions, I am outraged because in this week, a week that we celebrate the rich history of this country and the labor movement, I have to go through you, Mr. Speaker, to tell the rank and file workers across America that their interests now are being circumvented by those who have a larger political agenda, not based upon voting records, and I say, Mr. Speaker, and I hope that our workers across the country are listening, remember that, not based upon voting records.

The gentleman from Pennsylvania, JON FOX, in suburban Philadelphia, is not being targeted because he is insensitive to working people. To the contrary, JON FOX voted with labor on many of their issues. He is being targeted because the leadership of the presidency and the Democratic party has gotten totally in sync with the leaders of the labor movement down here, and their goal is to defeat freshmen Republicans all across the country.

At the same time they are spending half a million dollars, the AFL–CIO, in targeting the gentlemen from Pennsylvania, JON FOX, they are letting other incumbent Democrats who have zero voting records on labor issues go scot-free. Why? Not because they care about issues that the labor unions are concerned with, but because they happen to have a D after their name.

I cannot stand by and let that happen, Mr. Speaker. As someone, again, who has supported the labor movement in this Congress over the past 10 years, who has no target aimed at me this time, but I am not going to sit by and let my rank and file union workers and my members of the UAW and the Teamsters, and the building trades and the firefighters union have their money siphoned off and forcibly contributed to defeat those Members who in many cases I have had to go out and get the support from, to support the initiatives those very workers think are important. That is what is happening in this country this year.

I would hope, Mr. Speaker, that as we get closer to election day, more and more rank and file workers across this country would begin to ask questions. Because I can tell the Members, Mr. Speaker, there is going to be an election in November, and we may have the Republicans keep control of the House and the Senate, we may have the Democrats take control of the House and Senate, but I can tell the Members this, it is not going to be by a large margin. It is going to be by a close margin.

I can tell the Members, we will remember. Those who have been supportive of issues that are important to working people will remember. I hope that those workers across America who are listening to this debate tonight, who are listening to the message that I am bringing forth tonight, will remember also that they are being forced to contribute in many cases to a national political party's agenda that has nothing to do with the security of their job.

In fact, the ads that are being used running against the gentleman from Pennsylvania, JON FOX, have nothing to do with labor. They are saying JON FOX voted to cut Medicare.

□ 2130

Mr. Speaker, those are the same ads they are running across the country. Why? Not again because these Members have supposedly voted against working people's interests, but because they happen to be Republicans and they feel the best way to defeat them is to run false ads scaring senior citizens. It is called Mediscare. So they are running these ads, even though we are increasing Medicare spending by a significant amount over 7 years, they are running these ads in the hopes that senior citizens will become alarmed enough to go out and vote straight Democratic. That is not what is in the interest of those workers who every day form the backbone of this country. I cannot be a Member of this Congress and let this outrage continue without speaking up for what I believe to be the most ridiculous, the most unfair and I even think the most illegal action that any single group of leaders could take to harm the interests that they are supposedly representing.

Mr. Speaker, I include for the RECORD an editorial from the Washington Times dated Sunday, September 1, and the results of a study done by the Alexis de Tocqueville Institution on AFL–CIO contributions to congressional candidates, as follows:

[From the Washington Times, Sept. 1, 1996]

EDUCATORS OR LOBBYISTS?

With many school systems across the country opening for the new school year last week at the very time the Democratic Party was convened to crown Bill Clinton and Al Gore, no doubt many public-school teachers faced a difficult dilemma. Should they attend the convention, or should they report to their schools? Evidently, they decided to visit Chicago, the home of what former Secretary of Education Bill Bennett once described as the worst public education system in the nation.

Once again the National Education Association (NEA), the 2.2 million-member teachers' union, flexed its muscles in the Democratic Party, comprising more than 10 percent of the Democratic delegates—405. The other large teachers' union, the 875,000-member American Federation of Teachers (AFT), accounted for another 4 percent. Amazingly, nearly half of all unionized delegates were teachers. The NEA delegation, about the size of California's, again represented the largest special-interest block, a distinction it has prized for each of the last six Democratic conventions. No wonder Mr. Bennett, referring to the NEA, has said, ''You're looking at the absolute heart and center of the Democratic Party.''

The NEA delegates did not merely attend the convention. One of their alumnae literally ran it. Debra DeLee, the former executive director of the Democratic National Committee who served last week as the chief executive officer of the Democratic National Convention, easily made the understandably smooth transition to the Democratic Party from her previous positions as head of the NEA's political action committee, NEA–PAC, and chief NEA Washington lobbyist. According to the Center for Responsive Politics (CRP), a non-profit, nonpartisan campaign-finance research organization, during the 1994 election cycle, NEA–PAC gave $2.26 million, 98.5 percent of it to Democrats. CRP reports that AFT political contributions to congressional candidates totaled $1.29 million in 1993–94, 99.1 percent to Democrats.

Combined, the two national teachers associations' PAC's donated more than $3.5 million to congressional candidates, nearly all them Democrats. But even this sizable sum is dwarfed by the total contributions from the NEA's state- and local-level affiliates. After studying four representative states, Forbes magazine extrapolated its findings and calculated an astounding $35 million for the two-year period. An analysis of Indiana's one state and 31 NEA-affiliated local PACs revealed they alone raised nearly $700,000 and spent nearly $500,000 in a single year. According to John Berthoud of the Alexis de Tocqueville Institution, ''The NEA spends $39 million a year on 1,500 field organizers across the country to promote their political agenda.''

In the unregulated, so-called ''soft-money'' category of political donations to national party committees, which ostensibly use the funds for ''party-building activities,'' the NEA contributed $600,000 to the Democratic Party in the 1993–94 cycle, reflecting a 44 percent increase from the 1991–92 cycle. The AFT chipped in $236,000 in ''soft-money,'' a 53 percent increase over 1991–92. Given the high growth rates of ''soft-money'' contributions in the past and the fact that 60 percent of the NEA's and 72 percent of the ATF's 1993–94 ''soft-money'' contributions arrived during the final six months of that two-year period, it remains to be seen how generous they will be in 1995–96, especially since the national conventions occurred during this period. Nevertheless, a Common Cause study released this month covering the first 18 months of the 1995–96 cycle has already tallied ''soft-money'' contributions to the Democratic Party: $305,000 (NEA); and $263,500 (AFT). The trend seems unmistakable.

Considering that the Clinton and Gore families have both forsaken—for good reasons—the failure-plagued public school system in the District of Columbia in favor of two of its most elite private institutions, causing considerable embarrassment for the public-school establishment, one would think that some teachers might be reluctant to support Clinton-Gore '96. Then again, studies have shown that large majorities of big-city public-school teachers send their children to private schools, too, boycotting the very institutions that employ them. So of course the NEA enthusiastically endorsed the Democratic ticket—as it has since Jimmy Carter. To celebrate the return of Democratic control of the White House, in January 1993 the NEA mailed posters to more than 25,000 junior high and middle schools. The subject? ''Bill Clinton's and Al Gore's Most Excellent Inaugural.''

What do the teachers' unions expect in return for all of the financial and in-kind support to the Democratic Party? After losing both houses of Congress in 1994, the unions clearly want the Democrats to regain control of the legislative branch. As Mr. Berthoud has observed, ''If every item on the NEA's legislative agenda for the 104th [Republican] Congress were adopted, federal spending would increase by at least $702 billion per year. This translates into a tax increase on a family of four of more than $10,000 per year.'' Talk about leverage.

But the nightmare scenario that most frightens the NEA is not only failing to recapture Congress but losing the White House as well. Consider their horror at the prospects of dealing with a president who believes as Bob Dole does, that ''at the heart of all that afflicts our schools is a denial of free choice,'' which Mr. Dole declared in July when he announced his modest school-voucher program. ''Our public schools are in trouble because they are no longer run by the public. Instead, they're controlled by narrow special interest groups who regard public education not as a public trust but as political territory to be guarded at all costs.'' Any guesses whom he had in mind?

Mr. Dole predicted the issue of school choice would evolve into ''a civil rights movement of the 1990s.'' Indirectly referring to the Clintons and Gores, Mr. Dole observed that ''some families already have school choice . . . because they have the money.'' Just as the G.I. Bill expanded both opportunity and choice to millions of World War II veterans, many of whom would otherwise have been unable to attend college, Mr. Dole has proposed a four-year pilot program that would provide 4 million children low- and middle-income families educational choice and opportunities their families otherwise would never be able to afford.

The experimental program would cost a relatively miniscule $5 billion per year, which is less than 2 percent of annual public expenditures for elementary and secondary schools, but it would make choice available to nearly 10 percent of the 45 million students in our nation's public schools. Most important of all, targeted as it is to low- and middle-income families, the program would offer a lifeline to millions of poor students confined to the worst schools in our large cities.

The money would be split equally between the federal and state governments. It would provide vouchers worth $1,000 for elementary schools and $1,500 for high schools. The vouchers would be redeemable not only at public schools but at private and parochial schools as well. Combined with family contributions, partial scholarships and other private financing, the vouchers would clearly meet a demand and fill a niche to provide immediate opportunities to children most in need. Because vouchers would introduce competition for the taxpayer's education dollars, the teachers' unions fear them like the plague, knowing full well that vouchers would jeopardize their monopoly power.

That there is a link between America's failing inner-city schools and the terrible circle of poverty is indisputable. As David Boaz of the Cato Institute recently observed, ''Education used to be a poor child's ticket out of the slums; now it is part of the system that traps people in the underclass.'' What is so tragic is that it doesn't have to be this way. But as long as President Clinton, the Democratic Party and the special-interest teachers' unions stand in the way, blocking educational opportunity the way George Wallace once did in Alabama more than 30 years ago, yet another generation will be sacrificed to satisfy the demands of the special pleaders.

If rhetoric would solve the problems of inner-city schools, the Democratic convention would have been part of the solution. Unwilling to do anything to immediately address the crisis, Senate Minority Leader Tom Daschle piously pronounced, ''Every child should have the freedom to go to a good school.'' Current Democratic Party Chairman Don Fowler, quoting Thomas Jefferson, rhapsodized about the benefits of ''a free public education for all our citizens.'' Public education may be free to its young consumers, but to their parents and other taxpayers it clearly is not.

All the more ionic was the fact that this fatuous rhetoric emanated from Chicago, of all places. After observing the Chicago public schools for the Chicago Tribune, Bonita

Brodt wrote in 1991 that she found ''an institutionalized case of child neglect. . . . I saw how the racial politics of a city, the misplaced priorities of a centralized school bureaucracy, and the vested interests of a powerful teachers union had all somehow taken precedence over the needs of the very children the schools are supposed to serve.'' What was that about the benefits of ''a free education for all our citizens?'' Benefits for whom, Mr. Fowler?

''ADTI RELEASES NEW STUDY: ''A FISCAL ANALYSIS OF NEA AND AFL–CIO CONTRIBUTIONS TO 1996 CONGRESSIONAL RACES''

ARLINGTON, VA.—The Alexis de Tocqueville Institution (AdTI) today released a study of the contributions by the political committees of the National Education Association and the AFL-CIO which reveals that each group's stated fiscal agenda of simply stopping ''draconian'' cuts in government is misleading.

The study concludes that the Members of Congress that the two unions are opposing have voted to cut government, but only by rather modest amounts—about two percent of federal spending. The Members that these two unions are contributing to, however, have not supported the status quo but rather have been voting to increase the size and scope of the federal government.

The size of the net cuts voted for by union-opposed Members roughly equalled the size of the net increases voted for by union-backed Members. Thus, the study concludes that if the cutters have been ''radical,'' the union-backed Members have been just as radical in their record of support for larger government.

Through the end of April 1996—half a year before the election—the two unions combined had already contributed in excess of $850,000 to 1996 congressional candidates. The study cross-indexed campaign contributions made by these unions for and against Members with all votes to increase or cut spending in the first session of the 104th Congress. The tool used for analysis of these Members' votes was the Vote Tally database of the nonpartisan National Taxpayers Union.

The candidates for the Senate and the House that the NEA is supporting voted on average to increase annual federal spending by $30.4 billion and $28.9 billion respectively. The Senate and House candidates that they are opposing voted to cut government by $31.8 billion and $32.4 billion respectively.

The profiles of Members that the AFL–CIO is supporting and opposing closely resemble the profiles of Members that the NEA is supporting and opposing. The candidates that the AFL–CIO is backing for the Senate and the House on average voted to increase federal spending by $33.7 billion and $32.2 billion respectively. Senate and House candidates opposed by the AFL–CIO voted to cut government by $29.9 billion and $33.6 billion respectively.

Study author John Berthoud said the work provides an illuminating profile of the politics of each group which would probably surprise union members. ''Many union members are probably being told by their Washington offices that these unions' objectives are just to fight radical cuts, but the facts simply don't support such claims,'' Berthoud observed.

Copies of the complete seven-page study are available from the Alexis de Tocqueville Institution, 1611 North Kent Street, Suite 901, Arlington, VA 22209, (703) 351–4969. E-mail: adtinst@aol.com.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today, on account of airline travel problems.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HANSEN (at the request of Mr. ARMEY) for today and September 5, on account of his son's wedding.

Mr. BUYER (at the request of Mr. ARMEY) for today, on account of official business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today, on account of personal business.

Mr. GANSKE (at the request of Mr. ARMEY) for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HINCHEY) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day on September 4, 5, and 6.

Mr. ROTH, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, on September 5.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. KLECZKA.

Ms. DELAURO.

Mr. TORRES.

Mr. ORTIZ.

Mr. UNDERWOOD.

Mr. RAHALL.

Mr. DEUTSCH.

Mr. STARK.

Mr. REED.

Ms. MCCARTHY.

Mr. MILLER of California.

(The following Members (at the request of Mr. MICA) and to include extraneous matter:)

Mr. WOLF.

Mr. FIELDS of Texas.

Mr. BAKER of California in two instances.

Mr. ZELIFF.

Mr. RADANOVICH in two instances.

Mr. LAUGHLIN.

Mr. GINGRICH.

Mr. GRAHAM.

Mr. CLINGER.

Mrs. VUCANOVICH.

Mrs. CUBIN in two instances.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous material:)

Mr. SCARBOROUGH.

Mr. SMITH of New Jersey.

Mr. FORBES in two instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1130. An act to provide for establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight;

S. 1735. An act to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Resources;

S. 1873. An act to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes; to the Committee on Economic and Educational Opportunities;

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the ''L. Clure Morton United States Post Office and Courthouse''; to the Committee on Transportation and Infrastructure; and

S. Con. Res. 52. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress; to the Committee on Economic and Educational Opportunities.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 782. An act to amend title 18 of the United States Code to allow members of employee associations to repesent their views before the United States Government;

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes;

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes;

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical saving accounts, to improve access to long-term care services and

coverage, to simplify the administration of health insurance, and for other purposes;

H.R. 3139. An act to redesignate the United States Post Office building located at 245 Centereach Mall on Middle County Road in Centereach, New York, as the ''Rose Y. Caracappa United States Post Office Building'';

H.R. 3448. An act to provide tax relief for small business, to protect jobs, to create opportunities, to increase the take-home pay for workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act;

H.R. 3680. An act to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes;

H.R. 3734. An act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997;

H.R. 3834. An act to redesignate the Dunning Post Office in Chicago, Illinois, as the ''Roger P. McAuliffe Post Office''; and

H.R. 3870. An act to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title;

S. 1316. An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On August 2, 1996:

H.R. 782. An act to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

On August 7, 1996:

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

On August 8, 1996:

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take-home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act.

On August 9, 1996:

H.R. 3834. An act to redesignate the Dunning Post Office in Chicago, Illinois, as the ''Roger P. McAuliffe Post Office'';

H.R. 3870. An act to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency;

H.R. 3680. An act to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes;

H.R. 3139. An act to redesignate the United States Post Office Building located at 245 Centereach Mall on Middle County Road in Centereach, New York, as the ''Rose Y. Caracappa United States Post Office Building'';

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of the law in consequence of administrative reforms in the House of Representatives, and for other purposes; and

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

On August 19, 1996:

H.R. 3734. An act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for the fiscal year 1997.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.), the House adjourned until Thursday, September 5, 1996, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

OFFICE OF COMPLIANCE,
Washington, DC, August 19, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to Section 220(e).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights, Protections and Responsibilities Under Chapter 71 of Title 5, United States Code, Relating to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to both the Advance Notice of Proposed Rulemaking published on March 16, 1996 in the Congressional Record and the Notice of Proposed Rulemaking published on May 23, 1996 in the Congressional Record, has adopted, and is submitting for approval by Congress, final regulations implementing section 220(e) of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3.

For Further Information Contact: Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA 200, John Adams Building, Washington, D.C. 20540–1999, (202) 724–9250.

Supplementary Information:

I. Statutory Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices.

Section 220 of the CAA addresses the application of chapter 71 of title 5, United States Code (''chapter 71''), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance (''Board'') to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations ''shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ('FLRA') to implement the statutory provisions referred to in subsection (a) except—

''(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

''(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest.''

The Board adopted final regulations under section 220(d), and submitted them to Congress for approval on July 9, 1996.

Section 220(e)(1) of the CAA requires that the Board issue regulations ''on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply to covered employees who are employed in the offices listed in'' section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing

Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and,

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the ''section 220(e)(2) offices.''

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of [the CAA] . . .'' To this end, section 220(e)(1) mandates that such regulations ''shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter,'' with two separate and distinct provisos:

First, section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations ''to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''

Second, section 220(e)(1)(B) directs the Board to issue regulations that ''exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.''

The provisions of section 220 are effective October 1, 1996, except that, ''[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e).''

II. Advance Notice of Proposed Rulemaking

In an Advance Notice of Proposed Rulemaking (''ANPR'') published on March 16, 1996, the Board provided interested parties and persons with the opportunity to submit comments, with supporting data, authorities and argument, concerning the content of and bases for any proposed regulations under section 220. Additionally, the Board sought comment on two specific issues related to section 220(e)(1)(A): (1) Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? and (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices? The Board also sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? and (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why? In seeking comment on these issues, the Board emphasized the need for detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1) (A) and (B).

The Board received two comments in response to the ANPR. These comments addressed only the issue of whether the Board should grant a blanket exclusion for all covered employees in certain section 220(e)(2) offices. Neither commenter addressed issues arising under section 220(e)(1)(A) or any other issues arising under 220(e)(1)(B).

III. The Notice of Proposed Rulemaking

On May 23, 1996, the Board published a Notice of Proposed Rulemaking (''NPR'') (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) in the Congressional Record. Pursuant to section 304(b)(1) of the CAA, the NPR set forth the recommendations of the Executive Director and the Deputy Executive Directors for the House and the Senate.

A. Section 220(e)(1)(A)

In its proposed regulations, the Board noted that, under section 220(e)(1)(A), the Board is authorized to modify the FLRA's regulations only ''to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under [section 220(e)].'' The Board further noted that no commenter had taken the position that there was good cause to modify the FLRA's regulations for more effective implementation of section 220(e). Nor did the Board independently find any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). Thus, the Board proposed that, except as to employees whose exclusion from coverage was found to be required under section 220(e), the regulations adopted under section 220(d) would apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

With regard to section 220(e)(1)(B), the Board concluded that the requested blanket exclusion of all of the employees in certain section 220(e)(2) offices was not required under the stated statutory criteria. However, the Board did propose a regulation that would have allowed the exclusion issue to be raised with respect to any particular employee in any particular case. In addition, the Board again urged commenters who supported any categorical exclusions, in commenting on the proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board could exclude them by regulation, where appropriate.

C. Section 220(e)(2)(H)

Finally, in response to a commenter's assertion and supporting information, the Board found that employees in four offices identified by the commenter performed functions ''comparable'' to those performed by employees in the other section 220(e)(2) offices. Accordingly, the Board proposed, pursuant to section 220(e)(2)(H), to identify those offices in its regulations as section 220(e)(2) offices.

IV. Analysis of Comments and Final Regulations

The Board received six comments on the NPR, five from congressional offices and one from a labor organization. Five commenters objected to the proposed regulations because all covered employees in the section 220(e)(2) offices were not excluded from coverage. These commenters further suggested that the Board has good cause, pursuant to section 220(e)(1)(A), to modify the FLRA's regulations by promulgating certain additional regulations. One of the commenters stated its approval of the proposed regulations.

The Board has carefully reexamined the statutory requirements embodied in 220(e), and evaluated the comments received, as well as the recommendations of the Office's statutory appointees. Additionally, the Board has looked to ''the principles and procedures'' set forth in the Administrative Procedure Act, 5 U.S.C. §553 (''APA''), which sections 220(e) and 304 of the CAA require the Board to follow in its rulemakings. *See* 2 U.S.C. §1384(b). Finally, the Board has carefully considered the constitutional provisions and historical practices that make Congress a distinct institution in American government.

Based on its analysis of the foregoing, on the present rulemaking record, the Board has determined that:

Under the terms of the CAA, the requirements and exemptions of chapter 71 shall apply to covered employees who are employed in section 220(e)(2) offices in the same manner and to the same extent as those requirements and exemptions are applied to covered employees in all other employing offices;

No additional exclusions from coverage of any covered employees of section 220(e) offices because of (i) a conflict of interest or appearance of conflict of interest or (ii) Congress' constitutional responsibilities are required; and

In accord with section 220(e)(2)(H) of the CAA, eight additional offices beyond those identified in the Board's NPR perform ''comparable functions'' to those offices identified in section 220(e)(2).

The Board is adopting final regulations that effectuate these conclusions. The Board's reasoning for its determinations, together with its analysis of the comments received, is as follows:

A. Section 220(e)(1)(A) Modifications

Section 220(e)(1) provides that the Board ''shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees'' in section 220(e)(2) offices. In response to the Board's ANPR, no commenter suggested that the Board's regulations should apply differently to section 220(e)(2) employees and employing offices than to other covered employees and employing offices. Several commenters have now suggested that the regulations should be modified in various respects for section 220(e)(2) employees who are not excluded pursuant to section 220(e)(1)(B). The Board, however, is not persuaded by any of these suggestions.

First, contrary to one suggestion, the Board is neither required nor permitted ''to issue regulations specifying in greater detail the application of [Chapter 71] to the specific offices listed in section 220(e)(2).'' Section

220(e)(1) provides that the Board's ''regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of this Act.'' Section 220(e)(1) further specifically states that the Board's ''regulations shall be *the same* as subjective regulations issued by the Federal Labor Relations Authority under'' chapter 71. (Emphasis added.) While section 220(e)(1)(B) makes an ''except[ion]'' to these statutory restrictions ''to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section,'' this exception neither authorizes nor compels the requested regulations.

As the Board has explained in other rulemakings, it is not possible to clarify by regulation the application of the pertinent statutory provisions and/or the pertinent executive branch agency's regulations (here, the FLRA's regulations) while at the same time complying with the statutory requirement that the Board's regulations be ''the same as substantive regulations'' of the pertinent executive branch agency. Moreover, modification of substantive law is legally distinct from clarification of it. In this context, to conclude otherwise would improperly defeat the CAA's intention that, except where strictly necessary, employing offices in the legislative branch should live with and under the same regulatory regime—with all of its attendant burdens and uncertainties—that private employers and/or executive branch agency employers live with and under. Much as the Chairman of the House Committee on Economic and Educational Opportunities stated at the time of passage of the CAA: ''The Congress should not be allowed to escape the problems created by its own failure to draft laws properly and, perhaps, through this approach [it] will be forced to revisit and clarify existing laws which, because of a lack of clarity, are creating confusion and litigation.'' 141 Cong. Rec. H264 (Jan. 17, 1995) (remarks of Rep. Goodling).

Indeed, in the Board's judgment, adding new regulatory language of the type requested here (*e.g.*, references to job titles) would be contrary to the effective implementation of the rights and protections of the CAA. Such new regulatory language would itself have to be interpreted, would not be the subject of prior interpretations by the FLRA, and would needlessly create new ground for litigation about additional interpretive differences.

Second, the Board cannot accede to the request that it issue regulations providing that all employees of personal, committee, Leadership, General Counsel, and Employment Counsel offices are ''confidential employees'' within the meaning of 5 U.S.C. §7103(13). As noted above, to the extent that this commenter seeks a declaratory statement that clarifies the appropriate application of 5 U.S.C. §7103(13), the Board is not legally free to provide such clarifications through its statutorily limited rulemaking powers. Moreover, contrary to the proposal of a commenter, the Supreme Court has approved, and the NLRB and the FLRA have applied, a definition of ''confidential employee'' that is narrowly framed and that applies only to employees who, in the normal course of their specific job duties, properly and necessarily obtain in advance or have regular access to confidential information about management's positions concerning pending contract negotiations, the disposition of grievances, and other labor relations matters. *See NLRB* v. *Hendricks County, et al.*, 454 U.S. 170, 184 (1981); *In re Dept. of Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12*, 37 F.L.R.A. 1371, 1381–1383 (1990). In fact, in both the private and public sectors, it has been held that ''bargaining unit eligibility determinations [must be based] on testimony as to an employee's actual duties at the time of the hearing rather than on duties that may exist in the future;'' ''[b]argaining unit eligibility determinations are *not* based on evidence such as written position descriptions or testimony as to what duties had been or would be performed by an employee occupying a certain position, because such evidence might not reflect the employee's actual duties.'' *Id.* at 1377 (emphasis added). Since these rulings have not been addressed or distinguished by the commenter, the Board must conclude that the requisite ''good cause'' to modify the FLRA's regulations has not been established.

Third, the Board similarly must decline the request that it promulgate regulations: (a) excluding from bargaining units all employees of the Office of Compliance as employees ''engaged in administering the provisions of this chapter,'' within the meaning of 5 U.S.C. §7112(b)(4); and (b) excluding from bargaining units all employees of the Office of Inspector General as employees ''primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency,'' within the meaning of 5 U.S.C. §7112(b)(7). To the extent that these requests seek clarification concerning the application of existing statutory provisions, the Board is foreclosed by statute from providing such regulatory clarifications (especially for the Office of Inspector General, which does not appear to be a section 220(e)(2) office and which, in contrast to inspector general offices in the executive branch, appears primarily to audit or investigate employees of *other* employing offices, as opposed to auditing employees of its own agency). Moreover, to the extent that these requests seek to have the Board make eligibility determinations in advance of a specific unit determination and without a developed factual record, the commenters again seek a modification in the substantive law for which no ''good cause'' justification has been established.

Fourth, the Board similarly must decline the suggestion that it promulgate regulations: (a) limiting representation of employees of section 220(e)(2) offices to unions unaffiliated with noncongressional unions; (b) clarifying that a Member's legislative positions are not properly the subject of collective bargaining; (c) clarifying the ability of a Member to discharge or discipline an employee for disclosing confidential information or for taking legislative positions inconsistent with the Member's positions; and (d) authorizing section 220(e)(2) offices to forbid their employees from acting as representatives of the views of unions before Congress or from engaging in any other lobbying activity on behalf of unions. The issues raised by the suggested regulations are of significant public interest. But, to the extent that the suggested regulations are requested merely to clarify the application of existing statutory or regulatory provisions, the Board may not properly use its limited rulemaking authority to promulgate such regulatory clarifications. Moreover, there is not ''good cause'' to so ''modify'' the FLRA's regulations, as section 220(e) does not itself provide the Board with authority to modify statutory requirements such as those found in 5 U.S.C. §7112(c) (specifying limitations on whom a labor organization may represent), 5 U.S.C. §§7103(A)(12), 7106, 7117 (specifying subjects that are not negotiable), 5 U.S.C. §7116(a) (specifying prohibited employment actions), and 5 U.S.C. §7102 (specifying scope of protected employee rights).

Finally, for similar reasons, the Board must reject the request that it place regulatory limitations and prohibitions on the proper uses of union dues. Again, the Board cannot properly use its statutorily-limited regulatory powers either to clarify what commenters find ambiguous or to codify what commenters find unambiguous. Moreover, nothing in chapter 71 (or the CAA) authorizes a labor organization and an employing office to establish a closed shop, union shop, or even an agency shop; accordingly, under chapter 71 (and the CAA), employees cannot be compelled by their employers to join unions against their free will and, concomitantly, employees can resign from union membership and cease paying dues at any time without risk to the security of their employment. In these circumstances, there is no evident basis—legal or factual—for the Board to seek to regulate the proper uses of voluntarily-paid union dues.

In sum, the proposed modifications of the FLRA's regulations are not a proper exercise of the Board's section 220(e) and section 304 rulemaking powers. Accordingly, the Board may not adopt them.

B. Section 220(e)(1)(B) Exclusions

Section 220(e)(1)(B) provides that, in devising its regulations, the Board ''shall exclude from coverage under [section 220] any covered employees [in section 220(e)(2) offices] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.'' Accordingly, the Board has, with the assistance of the Office's Executive Director and two Deputy Executive Directors, carefully examined the comments received, other publicly available materials about the workforces of the section 220(e)(2) offices, and the likely constitutional, ethical, and labor law issues that could arise from application of chapter 71 to these workforces. The Board has also carefully examined the adequacy of the requirements and exemptions of chapter 71 and section 220(d) of the CAA for: (a) addressing any actual or reasonably perceived conflicts of interests that may arise in the context of collective organization of employees of section 220(e)(2) offices; and (b) accommodating Congress' constitutional responsibilities. Having done so, on the present rulemaking record the Board concludes that additional exclusions from coverage beyond those contained in chapter 71 and section 220(d) are not required by either Congress' constitutional responsibilities or a real or apparent conflict of interest; and the Board now further concludes that an additional regulation specially authorizing consideration of these issues in any particular case is unnecessary in light of the authority available to the Board under chapter 71's implementing provisions and precedents and the Board's regulations under section 220(d).

1. Additional exclusions from coverage are justified under section 220(e)(1)(B) only where necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest

In the preamble to its NPR, the Board expressed its view that additional exclusions of employees from coverage are justified under section 220(e)(1)(B) only where *necessary* to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. Although several commenters have objected to the Board's construction of the statute, the Board is not persuaded by these objections.

First, the Board finds no basis for the suggestion that ''the Board has been instructed

by the statute to exclude *offices* from coverage based on any of the specified'' statutory criteria. (Emphasis added.) What is mandated is an inquiry by the Board concerning whether exclusion of an employee is justified by the statutory criteria; specifically, an exclusion of a covered employee is mandated only ''*if* [as a result of the Board's inquiry] the Board determines such exclusion is required.'' (Emphasis added). Thus, the exclusion provision is only conditional, and the exclusion inquiry is to be addressed on an employee-by-employee basis, not on an office-by-office basis, as the commenter erroneously suggests.

Second, contrary to another commenter's suggestion, the statutory language does not require exclusion of employees where such exclusions would merely be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The statutory language cannot properly be read in this fashion.

The statute expressly states that an exclusion of an employee is appropriate only ''if the Board determines that such exclusion is *required* because of'' the stated-statutory criteria. (Emphasis added.) The term ''[r]equired implies something mandatory, not something permitted. . . .'' *Mississippi River Fuel Corporation* v. *Slayton*, 359 F.2d 106, 119 (8th Cir. 1966) (Blackmun, J.). Moreover, while the term ''required'' is capable of different usages, the usage equating with ''necessity'' or ''indispensability'' is the most common one. *See* Webster's Third New International Dictionary 1929 (1986). And, as part of an ''except[ion]'' to a statutory requirement that the Board's regulations be ''the same'' as the FLRA's regulations and be consistent with the ''provisions and purposes'' of chapter 71 to the ''greatest extent practicable,'' it is highly unlikely that Congress would mandate ''exclusion from coverage''—with loss of not only organization rights, but also rights against discipline or discharge because of engagement in otherwise protected activities—when less restrictive alternatives (*e.g.*, exclusion from a bargaining unit; limitation on the union that may represent the employee) would adequately safeguard Congress' constitutional responsibilities and resolve any real or apparent conflicts of interest.

In these circumstances, the term ''required'' cannot properly be read to require additional exclusions from coverage merely because they would be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. Such an interpretation would not be, ''to the greatest extent practicable,'' ''consistent with the provisions and purposes of chapter 71,'' as section 220(e) requires. Moreover, such an interpretation would be contrary to the CAA's promise that, except where strictly necessary, Congress will be subject to the same employment laws to which the private sector and the executive branch are subject. Indeed, contrary to the CAA's purpose, such an interpretation would rob Members of direct experience with traditional labor laws such as chapter 71, and leave them without the first-hand observations that would help them decide whether and to what extent labor law reform is needed and appropriate.

Third, for these reasons, the Board also rejects one commenter's suggestion that the omission of a ''good cause'' requirement from section 220(e)(1)(B) suggests that a lesser standard for exclusion from coverage was intended. The omission of a ''good cause'' requirement in section 220(e)(1)(B) is more naturally explained: The term ''required'' sets the statutory standard in section 220(e)(1)(B), and the ''good cause'' standard is simply not needed.

Finally, contrary to the objections, the legislative history does not support the commenters' view that additional exclusions from coverage are mandated even if not strictly necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. It appears that, at one point in the preceding Congress, some Members expressed: ''concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities.'' S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994). But the legislative sponsors did not respond to these concerns by excluding all legislative staff from coverage or by requiring exclusion of any section 220(e)(2) office's employees wherever it would be ''suitable'' or ''appropriate.''

Rather, the legislative sponsors responded by applying chapter 71 (rather than the NLRA) to the legislative branch. Senators John Glenn and Charles Grassley urged this course on the ground that chapter 71 ''includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.'' *Id.* at 8; 141 cong. rec. S444–45 (daily ed., Jan. 5, 1995) (statement of Sen. Grassley).

To be sure, the legislative sponsors further provided that, ''as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the Board has conducted a special rulemaking to consider such problems as conflict of interest.'' *Id.* However, the legislative sponsors made clear that an appropriate solution to a real or apparent conflict of interest would include, for example, precluding certain classes of employees ''from being represented by unions affiliated with noncongressional or non-Federal unions.'' Contrary to the commenter's argument, exclusion of section 220(e)(2) office employees from coverage was not viewed as inevitably required, even where a conflict of interest is found to exist. 141 Cong. Rec. S626 (daily ed., Jan. 9, 1995). Moreover, the legislative sponsors expressly stated that the rulemaking so authorized ''is not a standardless license to roam far afield from such executive branch regulations. The Board cannot determine unilaterally that an insupportably broad view of Congress' constitutional responsibilities means that no unions of any kind can work in Congress.'' *Id.* That, of course, would be precisely the result of the commenters' proposed standard.

2. No additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest

The question for the Board, then, is whether, on the present rulemaking record, the additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The Board concludes that no such additional exclusions from coverage are required.

a. No additional exclusion from coverage is necessitated by Congress' constitutional responsibilities

The CAA does not expressly define the ''constitutional responsibilities'' with which section 220(e)(1)(B) is concerned. But, as one commenter has suggested, it may safely be presumed that this statutory phrase encompasses at least the responsibility to exercise the legislative authority of the United States; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachment. Even so defined, however, the Board has no factual or legal basis for concluding that any additional employees of the section 220(e)(2) offices must be excluded from coverage in order for Congress to be able to carry out these constitutional responsibilities or any others assigned to Congress by the Constitution.

Chapter 71 was itself ''designed to meet the special requirements and needs of the Government.'' 5 U.S.C. §7101(b). Thus, chapter 71 authorizes the exclusion of any agency or subdivision thereof where necessary to the ''national security,'' and completely excludes from coverage aliens and noncitizens who occupy positions outside of the United States, members of the uniformed services, and ''supervisors'' and ''management officials.'' *Id.* at §§7103(a)(2), 7103(b). In addition, chapter 71 requires that bargaining units not include ''confidential'' employees, employees ''engaged in personnel work,'' employees ''engaged in administering'' chapter 71, both ''professional employees and other employees,'' employees whose work ''directly affects national security,'' and employees ''primarily engaged in investigation or audit functions relating to the work of individuals'' whose duties ''affect the internal security of the agency.'' *Id.* at §7112(b). Likewise, chapter 71 provides that a labor organization that represents (or is affiliated with a union that represents) employees to whom ''any provision of law relating to labor-management relations'' applies may not represent any employee who administers any such provision of law; and, chapter 71 prohibits according exclusive recognition to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' *id.* at §§7112(c), 7111(f), and precludes an employee from acting in the management of (or as a representative for) a labor organization where doing so would ''result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.'' *Id.* at §7120(e). Furthermore, chapter 71 broadly preserves ''Management rights,'' limits collective bargaining to ''conditions of employment,'' and, in that regard, among other things, specifically excludes matters that ''are specifically provided for by Federal statute.'' *Id.* at 7106, 7103(12)(a), (14). Finally, chapter 71 makes it unlawful for employees and their labor organizations to engage in strikes, slowdowns, or picketing that interferes with the work of the agency. *Id.* at 7116(b)(7).

Just as the provisions and precedents of chapter 71 are sufficient to allow the Executive Branch to carry out its constitutional responsibilities, the provisions and precedents of chapter 71 are fully sufficient to allow the Legislative Branch to carry out its constitutional responsibilities. Congress is, of course, a constitutionally separate branch of government with distinct functions and responsibilities. But, by completely excluding ''supervisors'' and ''management officials'' from coverage, and by preserving ''Management rights,'' chapter 71 ensures that Congress is not limited in the exercise of its constitutional powers. Furthermore, by denying ''exclusive recognition'' to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' chapter 71 ensures that labor organizations will not become a foothold for those who might seek to undermine or overthrow our nation's republican

form of government. In addition, by outlawing strikes and other work stoppages, chapter 71 ensures that employee rights to collective organization and bargaining may not be used improperly to interfere with Congress' lawmaking and other functions. Indeed, by specifying that its provisions, ''should be interpreted in a manner consistent with the requirement of an effective and efficient Government,'' 5 U.S.C. §7101(b), chapter 71 makes certain that its provisions will expand and contract to accommodate the legitimate needs of Government, which no doubt in this context include the fulfillment of Congress' constitutional responsibilities.

The Board cannot legally accept the suggestion of some commenters that collective organization and bargaining rights for section 220(e)(2) office employees are ''inherently inconsistent'' with the conduct of Congress' constitutional responsibilities. These commenters' position may be understood in political and administrative terms. But, under the CAA, such a claim must legally be viewed with great skepticism, for the CAA adopts the premise of our nation's Founders, as reflected in the Federalist papers and other contemporary writings, that government work better and is more responsible when it is accountable to the same laws as are the people and is not above those laws. Such interpretive skepticism is particularly warranted in this context, for the claim that collective bargaining and organization rights for section 220(e)(2) office employees are ''inherently inconsistent'' with Congress' constitutional responsibilities is in considerable tension with the CAA's express requirement that the Board examine the exclusion issue on an employee-by-employee basis. Indeed, section 220(e) of the CAA expressly requires the Board to accept, ''to the greatest extent practicable,'' the findings of Congress in chapter 71 that ''statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—(A) safeguards the public interest, (B) contributes to the effective conduct of public business, and (C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment.'' 5 U.S.C. §7101(a). The statutory instruction to honor these findings to ''the greatest extent practicable'' is directly at odds with the commenters' ''inherent inconsistency'' argument.

Moreover, contrary to the commenters' suggestion, neither the allegedly close working relationships between the principals of section 220(e)(2) offices and their staffs nor the allegedly close physical quarters in which section 220(e)(2) office employees work can legally justify the additional exclusions from coverage that the commenters seek. Chapter 71 already excludes from coverage all ''management officials'' and ''supervisors''—*i.e.*, those employees who are in positions ''to formulate, determine, or influence the policies of the agency,'' and those employees who have the authority to hire, fire, and direct the work of the office. Moreover, chapter 71 excludes from bargaining units ''confidential employees,'' ''employees engaged in personnel work,'' and various other categories of employees who, by the nature of their job duties, might actually have or might reasonably be perceived as having irreconcilably divided loyalties and interests if they were to organize. Beyond these carefully crafted exclusions, however, chapter 71 rejects both the notion that ''unionized employees would be more disposed than unrepresented employees to breach their obligation of confidentiality,'' and the notion that representation by a labor organization or ''membership in a labor organization is in itself incompatible with the obligations of fidelity owed to an employer by its employee.'' *In re Dept. of Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12*, 37 F.L.R.A. at 1380 (citations omitted; internal quotations omitted). Rather, as the Supreme Court recently reiterated, the law in the private and public sectors requires that acts of disloyalty or misuse of confidential information be dealt with by the employer through, *e.g.*, non-discriminatory work rules, discharge and/or discipline. *See NLRB* v. *Town & Country Electric, Inc.*, 116 S. Ct. 450, 457 (1995). These rulings are especially applicable and appropriate in the context of politically appointed employees in political offices of the Legislative Branch, since such employees generally are likely to be uniquely loyal and faithful to their employing offices.

In this same vein, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are justified by reference to Members' understandable interest in hiring and firing on the basis of ''political compatibility.'' While a long and forceful tradition in this country, hiring and firing on the basis of ''political compatibility'' is not a constitutional right, much less a constitutional responsibility, of the Congress or its Members. Moreover, while section 502 of the CAA provides that it ''shall not be a violation of any provision of section 201 to consider the . . . political compatibility with the employing office of an employee,'' 2 U.S.C. §1432, section 502 noticeably omits section 220 from its reach. Thus, the Board has no legal basis for construing section 220(e)(1)(B) to require additional exclusions from coverage in order to protect the interest of Members in ensuring the ''political compatibility'' of section 220(e)(2) office employees.

Furthermore, the Board cannot legally accept the suggestion that exclusion of all employees in personal, committee, leadership or legislative support offices is justified to prevent labor organizations from obtaining undue influence over Members' legislative activities. The issue of organized labor's influence on the nation's political and legislative processes is one of substantial public interest. But commenters have not explained how organized labor's effort to advance its political and legislative agenda legally may be found to constitute an interference with Congress' constitutional responsibilities. Moreover, chapter 71 only authorizes a labor organization to compel a meeting concerning employees' ''conditions of employment'' that are not specifically provided for by Federal statute. Thus, a labor organization may not lawfully use chapter 71 either to demand a meeting about a Member's legislative positions or to seek to negotiate with the Member about those legislative positions.

Finally, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are necessary to ensure that Members are neither inhibited in nor distracted from the performance of their constitutional duties. The Board does not doubt that, if employees choose to organize, compliance with section 220 may impose substantial administrative burdens on Members (just as compliance with the other laws made applicable by the CAA surely does). Such administrative burdens might have been a ground for Congress to elect in the CAA to exempt Members and their immediate offices from the scope of section 220 (just as the Executive Office of the President is exempt from chapter 71 and from many of the other employment laws incorporated in the CAA). But Congress did not do so. Instead, Congress imposed section 220 on all employing offices and provided an ''except[ion]'' for employees of section 220(e)(2) offices only where exclusion from coverage is required by Congress' constitutional responsibilities (or a real or apparent conflict of interest). The Board cannot now lawfully find that the administrative burdens of compliance with section 220 are the constitutional grounds that justify the additional exclusion from coverage of any section 220(e)(2) office employees; on the contrary, the Board is bound to apply the CAA's premise that Members of Congress will better and more responsibly carry out their constitutional responsibilities if they are in fact subject to the same administrative burdens as the laws impose upon our nation's people.

b. No additional exclusion is necessitated by any real or apparent conflict of interest

Nor can the Board lawfully find on this rulemaking record that additional exclusions from coverage of employees of section 220(e)(2) offices are required by a real or apparent conflict of interest. Since the phrase ''conflict of interest or appearance of conflict of interest'' is not defined in the CAA, it must be construed ''in accordance with its ordinary and natural meaning.'' *FDIC* v. *Meyer*, 114 S. Ct. 996, 1001 (1994). The ''ordinary and natural meaning'' of ''conflict of interest or appearance of conflict of interest'' is a real or reasonably apparent improper or unethical ''conflict between the private interests and the official responsibilities of a person in a position of trust (such as a government official).'' Webster's Ninth New Collegiate Dictionary 276 (1990). *Accord*, Black's Law Dictionary 271 (5th ed. 1979). Specifically, as Senate and House ethics rules make clear, under Federal law the phrase ''conflict of interest or appearance of conflict of interest'' refers to ''a situation in which an official's conduct of his office conflicts with his private economic affairs.'' House Ethics Manual 87 (1992); Senate Rule XXXVII. After thorough examination of the matter, the Board has found no tenable legal basis for concluding that additional exclusions from coverage of any employees of section 220(e)(2) offices are necessary to address any real or reasonably perceived incompatibility between employees' private financial interests and their public job responsibilities.

As noted above, by excluding ''management officials'' and ''supervisors'' from coverage, and by requiring that bargaining units not include ''confidential employees'' and ''employees engaged in personnel work,'' chapter 71 already categorically resolves the real or apparent conflicts of interest that may be faced by employees whose jobs involve setting, administering or representing their employer in connection with labor-management policy or practices. Similarly, by requiring that bargaining unit not include employees ''engaged in administering'' chapter 71, chapter 71 already resolves real or apparent conflicts of interest that might arise for employees of, for example, the Office of Compliance. Furthermore, by precluding an employee from acting in the management of (or as a representative for) a labor organization, where doing so would ''result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee,'' chapter 71 already directly precludes an employee from assuming a position with the union (or from acting on behalf of the union) where he or she could confer a personal economic benefit on him or herself. And, as an added precaution, the Board has adopted a regulation under section 220(d) that authorizes adjustment of the substantive requirements of section 220 where ''necessary to avoid a conflict of interest or appearance of conflict of interest.'' Therefore, all conceivable real and apparent conflicts of interests are resolvable without the need for additional exclusion from coverage.

The Board finds legally untenable the suggestion of several commenters that, by directing the Board to consider these real or apparent conflict of interest issues in its rulemaking process, section 220(e)(1)(B) entirely displaces and supersedes the conflict of interest provisions and precedents of chapter 71 and section 220(d) where employees of section 220(e)(2) offices are concerned. Section 220(e) specifically provides that the Board's regulations for section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71'' and ''shall be the same as substantive regulations issued by'' the FLRA. As pertinent here, it makes an ''except[ion]'' only 'if the Board determines that * * * exclusion [of a section 220(e)(2) office employee] is required because of * * * a conflict of interest or appearance of a conflict of interest.'' This conditional exception—applicable only ''if'' the Board determines that an exclusion from coverage is ''required'' by a real or apparent conflict of interest—plainly does not displace or supersede the provisions and precedents of chapter 71 and section 220(d) that section 220(e) expressly applies to section 220(e)(2) offices. Indeed, as the statutory language and legislative history discussed above confirm, section 220(e)(1)(B) requires this rulemaking merely as a ''special precaution'' to ensure that chapter 71 and section 220(d) appropriately and adequately deal with conflict of interest issues in this context.

The Board similarly cannot legally accept the suggestion that exclusion of employees in personal, committee, leadership and party caucus offices in necessary to address ''the most important legislative conflict of interest issue—the appearance or reality of influencing legislation.'' While understandable in political terms, this suggest has no foundation in the law which the Board is bound to apply.

To begin with, the Board has no basis for concluding that the provisions and precedents of chapter 71 and section 220(d) are inadequate to resolve any such conflict of interest issues. Although commenters correctly point out that the Executive Office of the President is not covered by Chapter 71, they provide no evidence that this exclusion resulted from conflict of interest concerns. Moreover, though commenters suggest that employees of the Executive Branch engage in only administrative functions, the Executive Branch in fact has substantial political functions relating to the legislative process—including *e.g.*, recommending bills for consideration, providing Congress with information about the state of the Union, and vetoing bills that pass the Congress over the President's objection. Furthermore, almost every executive agency covered by chapter 71 has legislative offices with both appointed and career employees who, like section 220(e)(2) office employees, are responsible for meeting with special interest groups, evaluating and developing potential legislation, and making recommendations to their employers about whether to sponsor, support or oppose that or other legislation. Chapter 71 does not exclude from its coverage Executive Branch employees performing such policy and legislative-related functions (much less the secretaries and clerical personnel in their offices); and, contrary to one commenter's suggestion, chapter 71 does not exclude from its coverage schedule ''C'' employees who are outside of the civil service and who are appointed to perform policy-related functions and to work closely with the heads of Executive Branch departments. *See U.S. Dept. of HUD and AFGE Local 476*, 41 F.L.R.A. 1226, 1236–37 (1991). Since the Board has no evidence that the conflict of interest issues for section 220(e)(2) office employees materially differ from the conflict of interest issues that these Executive Branch employees face, the Board has no proper basis for finding that additional section 220(e)(2) office employees must be excluded from coverage simply because they too are outside of the civil service and perform legislative-related functions.

Second, the Board is not persuaded that the concern expressed by the commenters—*i.e.*, that labor organizations will attempt to influence the legislative activities of employees who they are seeking to organize and represent—even constitutes a ''conflict of interest or appearance of conflict of interest'' within the meaning of that statutory term. As noted above, under both common usage and House and Senate ethics rules (as well as under federal civil service rules and other federal laws), the statutory phrase ''conflict of interest or appearance of conflict of interest'' refers to a situation in which an official's conflict of his office actually or reasonably appears unethically to provide him or her with a private economic benefit. While the Board understands that accepting gifts from labor organizations might actually or apparently constitute receipt of such an improper pecuniary benefit, the Board fails to see how working with labor organizations concerning their legislative interests confers or appears to confer any improper private economic benefit on legislative employees—just as the Board does not see how working on legislative matters with other interest groups to which the employee might belong (such as the American Tax Reduction Movement, the Sierra Club, the National Rifle Association, the National Right to Work Foundation, the NAACP, and/or the National Organization of Women) would do so. On the contrary, it is the employees' job to meet with special interest groups of this type, to communicate the preferences and demands of these special interest groups to the Members of committees for which they work, and, where allowed or instructed to do so, to assist or opposed these special interest groups in pursuing their legislative interests.

It is true, as one commenter notes, that, in contrast to other interest groups, a labor organization could, in addition to its legislation activities, seek to negotiate with an employing office about the employees ''conditions of employment.'' But each of the employees would have to negotiate individually with the employing office if the union did not do so collectively for them. Moreover, since those who negotiate for the employing office and decide whether or not to provide or modify any such ''conditions of employment'' may by law not be part of the unit that the union represents, section 220(e)(2) office employees could not through the collective negotiation of their ''conditions of employment'' unethically provide themselves or appear to provide themselves with an improper pecuniary benefit for the way that they perform their official duties for the employing office. Thus, collective organization of section 220(e)(2) office employees would not create a real or apparent conflict of interest—just as it does not for appointed and career employees in the Executive Branch who perform comparable policy or legislative-related functions.

To be sure, because of an employee's sympathy with or support for the union (or any other interest group), the employee could urge the Member or office for which he or she works to take a course that is not in the employer's ultimate best political or legislative interest. Indeed, it is even conceivable that, because of the employee's sympathy with or support for a particular interest group such as organized labor, the employee could act disloyally and purposefully betray the Member's or the employing office's interests. But employees could could have such misguided sympathies, provide such inadequate support, and/or act disloyally whether or not they are members of or represented by a union. Thus, just as was true in the context of Congress' constitutional responsibilities (and as is true for Executive Branch employees), the legally relevant issues in such circumstances are ones of acceptable job performance and appropriate bargaining units, work rules, and discipline—not issues of real or apparent conflicts of interest. See *NLRB* v. *Town and Country Electric, Inc*, 116 S. Ct, at 456–57.

It is also true that organized labor has a particular interest in legislative issues relating to employment and that, if enacted, some of the resulting laws could work to the personal economic benefit of employees in section 220(e)(2) offices and, indeed, sometimes even to the economic benefit of Members (*e.g.* federal pay statutes). But whenever Members or their staffs work on legislation there is reason for concern that they will seek to promote causes that will personally benefit themselves or groups to which they belong—whether it be with respect to, *e.g.*, their income tax rates, their statutory pay and benefits, the grounds upon which they can be denied consumer credit, or the ease with which they can obtain air transportation to their home states. These concerns, however, will arise whether or not employees in section 220(e)(2) offices are allowed to organize and bargain collectively concerning their ''conditions of employment,'' and cannot conceivably ''require'' the exclusion of additional section 220(e)(2) office employees from coverage under section 220. As a Bipartisan Task Force on Ethics has so well stated:

''A conflict of interest is generally defined as a situation in which an official's private financial interests conflict or appear to conflict with the public interest. Some conflicts of interest are inherent in a representative system of government, and are not in themselves necessarily improper or unethical. Members of Congress frequently maintain economic interests that merge or correspond with the interests of their constituents. This community of interest is in the nature of representative government, and is therefore inevitable and unavoidable.''

House Bipartisan Task Force on Ethics, Report on H.R. 3660, 101st Cong, 1st Sess. 22 (Comm. Print, Comm, on Rules 1989), reprinted in 135 Cong. Rec. H9253, H9259 (daily ed. Nov. 21, 1989).

The Board does not mean to suggest that the public does not have a legitimate interest in knowing about the efforts that interest groups (such as organized labor) make to influence Members and their legislative staffs or the financial benefits that Members and their legislative staffs receive. But, as the recently enacted Lobbying Disclosure Act evidences, and as the Bipartisan Task Force on Ethics long ago concluded, lobbying contact disclosure and ''public financial disclosure, coupled with the discipline of the electrical process, remain[s] the best safeguard[s] and the most appropriate method[s] to deter and monitor potential conflicts of interest in the legislative branch.'' House Bipartisan Task Force on Ethics. 135 Cong. Rec. at H9259.

For these reasons, the Board also declines to adopt the suggestions that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict or interest,'' all employees of section 220(e)(2) offices who are shown in an appropriate case to be ''exempt'' employees within the meaning of the Fair Labor Standards Act (''FLSA''). This suggestion would improperly

allow unions and/or the General Counsel to challenge an employing office's compliance with section 203 of the CAA in the context of a section 220 proceeding. Moreover, under both private sector law and chapter 71, employees are not uniformly excluded from coverage by viture of their ''exempt'' status, even though such employees may exercise considerable discretion and independent judgment in performing their duties, serve in sensitive positions requiring unquestionable loyalty to their employers, and/or have access to privileged information. Thus, doctors who are responsible for the counseling and care of millions of ill persons are allowed to organize; engineers who are responsible for ensuring the safety of nuclear power plants are allowed to organize; lawyers who are responsible for providing privileged advice and for prosecuting actions on behalf of the Government (such as attorney at the Department of Labor and at the NLRB) are allowed to organize; and schedule ''C'' employees who are outside of the civil service, work closely with the heads of Executive Branch department, and assist in the formulation of Executive Branch policy are not excluded from coverage under chapter 71. Nothing about those employees' ''exempt'' status itself establishes a real or apparent incompatibility between an employee's conduct of his office and his private economic affairs. Not tenable legal basis has been offered for reaching a different conclusion about the ''exempt'' employees of section 220(e)(2) offices.

For similar reasons, the Board declines to adopt the suggestion that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict of interest,'' all employees in section 220(e)(2) offices who hold particular job titles—e.g., Administrative Assistants, Staff Directors, and Legislative Directors. The Board has no doubt that many section 220(e)(2) office employees in such job classifications will, because of the actual duties that these employees perform, be excluded from coverage as ''management officials'' or ''supervisors''. And the Board similarly has no doubt that many section 220(e)(2) office employees in these or other job classifications will, because of the actual duties that these employees perform, be excluded from particular bargaining units as ''confidential employees,'' ''employees engaged in personnel work,'' ''professional employees,'' etc. But, as decades of experience in myriad areas of employment law have taught, these legal judgments must turn on the actual job duties that the employees individually perform, and not on their job titles or job classifications. It is the actual job duties of the employees that dictate whether the concern of the particular law in issue is actually implicated (*e.g.*, whether there is a real or apparent conflict of interest); and the use of job titles in a regulation would unwisely have legal conclusions turn on formalisms that are easily subject to manipulation and error (*e.g.*, different employing offices may assign the same job title or job classification to employees who perform quite distinct job responsibilities and functions).

In sum, the six month period during which the job titles and job classifications applicable to section 220(e)(2) office employees have been thoroughly investigated and studied by the Board, neither the statutory appointees nor the Board—or, for that matter, any commenter—has identified any job duty or job function that, in the context of collective organization, would categorically create a real or apparent conflict of interest that is not adequately addressed by the provisions and precedents of chapter 71 and the Board's section 220(d) regulations. Accordingly, on this record, the Board has no legal basis for excluding any additional section 220(e)(2) office employees from coverage by regulation; and, for the reasons here stated, it would be contrary to the effective implementation of the CAA for the Board to reframe existing regulatory exclusions in terms of the job titles or job classifications presently used by certain section 220(e)(2) offices.

3. Final regulations under section 220(e)(1)(B)

For these reasons, the Board will not exclude any additional section 220(e)(2) office employees from coverage in its final section 220(e) regulations. Moreover, the Board will not adopt a regulation that specially authorizes consideration of these exclusion issues in any particular case. Although the Board proposed to do so in its NPR (as a precautionary measure to ensure that employing offices were not prejudiced by the paucity of comments provided in response to the ANPR), commenters have vigorously objected to any such regulation. Having carefully considered this matter and determined both that no exclusions are required on this rulemaking record and that all foreseeable constitutional responsibility and conflict of interest issues may be appropriately accommodated under section 220(d) and chapter 71, the Board now concludes that no such regulation is necessary.

We now turn to the partial dissent. With all due respect to our colleagues, we strongly disagree that the CAA envisions a different rulemaking process for the Board's section 220(e)(1)(B) inquiry than the one that the Board has followed in this rulemaking and in all of its other substantive rulemakings. The section 220(e)(1)(B) inquiry is unique only in terms of the substantive criteria which the statute directs the Board to apply and the effective date of its provisions. In terms of the Board's process, section 220(e) expressly requires—just as the other substantive sections of the CAA expressly require—the Board to adopt its implementing regulations ''pursuant to section 304'' of the CAA, 2 U.S.C. §1351(e), which in turn requires that the Board conduct its rulemakings ''in accordance with the principles and procedures set forth'' in the APA. 2 U.S.C. §1384(b). The partial dissent's argument that a different and distinct process is required under section 220(e)(1)(B) is at odds with these express statutory requirements.

Nor is there any basis for the partial dissent's charge that the Board's section 220(e)(1)(B) inquiry was ''passive,'' ''constrained solely by written submissions,'' and undertaken without ''sufficient knowledge of Congressional staff functions, responsibilities and relationships. . . .'' In the ANPR and the NPR, the Board afforded all interested parties two opportunities to address these issues. The Board carefully considered the comments received from employing offices and their administrative aids—*i.e.*, those who are most knowledgeable about the job duties and functions of congressional staff and who should have had the most interest in informing the Board about the relevant issues in this rulemaking. Moreover, over the past six months, the Board has received extensive recommendations from the Executive Director and the Deputy Executive Directors of the House and Senate—recommendations that were based upon the statutory appointees' own legislative branch experiences, their substantial knowledge of these laws, their appropriate discussions with involved parties and those knowledgeable about job duties and responsibilities in section 220(e)(2) offices, and their own independent investigation of the pertinent factual and legal issues. In addition, the General Counsel has provided interested Board members with extensive legal advice about these issues. Indeed, during the past six months, members of the Board were able to review vast quantities of publicly available materials that, among other things, describe in detail the job functions, job responsibilities, and office work requirements and restrictions for employees of the section 220(e)(2) offices. The claim of the partial dissent that this material still needs to be found is thus completely mystifying to the Board; and, since neither the dissenters nor the commenters have pointed to any other information that would be of assistance in deciding the section 220(e)(1)(B) issues, it seems clear that the dissenting members' objection is not with the sufficiency of the information available to themselves or to the Board, but rather is with the result that the Board has reached.

In advocating a different result about the appropriateness of additional exclusions from coverage, however, the partial dissent simply ignores the statutory language and legislative history of section 220 of the CAA. For all of its repeated exhortations about the need to implement the will of Congress, the partial dissent does not identify the constitutional responsibilities or conflicts of interests that supposedly require the additional exclusions from coverage that the dissenters raise for consideration. Indeed, the partial dissent does not even conclude which of its various suggested possible exclusions from coverage are ''required'' by section 220(e)(1)(B) or why.

The partial dissent's critique of the Board's analysis is similarly bereft of legal authority. While criticizing the Board for relying on precedents under chapter 71, the partial dissent ignores section 220(e)'s express command that the Board's implementing regulations under section 220(e)(1)(B) be consistent ''to the greatest extent practicable'' with the ''provisions and purposes'' of chapter 71. Moreover, while noting that legislative branch employees of state governments have not been granted the legal right to organize, the partial dissent fails to acknowledge that this gap in state law coverage results from state laws having generally been modelled after federal sector law (which, until the CAA's enactment, did not cover congressional employees); and, in all events, the partial dissent fails to acknowledge that section 220 itself rejects this state law experience by covering without qualification non-section 220(e)(2) office employees and by allowing exclusion of section 220(e)(2) office employees only *if* required by the stated statutory criteria. Finally, while asserting that employees in the section 220(e)(2) offices perform functions that are not comparable to functions employed by any covered employees in the Executive Branch, the partial dissent never specifically identifies these supposedly unique job duties and functions and, even more importantly, never explains why the provisions of chapter 71 and section 220(d) are inadequate to address constitutional responsibility or conflict of interest issues arising from them. In short, with all respect, the partial dissent does not provide any acceptable legal basis for concluding that additional regulatory exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues.

The partial dissent similarly errs in suggesting that the Board has ''apparent reluctance or disdain'' for regulatory resolutions and instead prefers adjudicative resolutions. Like our dissenting colleagues, the Board applauds the NLRB's innovative effort—undertaken under the leadership of then-NLRB Chairman Jim Stephens, who is now Deputy Executive Director for the House—to use rulemaking to address certain bargaining unit issues that have arisen in the health care industry. But the issue here is not

whether the NLRB should be praised for having done so or, for that matter, whether regulatory resolutions are generally or even sometimes superior to adjudicative resolutions in that or other contexts. Nor is the issue whether Congress has stated a preference for regulatory resolutions in the CAA. Rather, the issue here is whether additional exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues that may arise in connection with collective organization of section 220(e)(2) office employees. For the reasons earlier stated, the Board has concluded that no such additional exclusions from coverage are required to do so. Thus, to the extent that any constitutional responsibility or conflict of interest issue is left to be resolved adjudicatively, it is only because, where complete exclusion from coverage is not required, the CAA instructs the Board to follow chapter 71's preference for addressing matters of this type in the context of a particular case, and because any constitutional responsibility or conflict of interest issue may be satisfactorily addressed by approaches that are less restrictive than complete exclusion from coverage of section 220(e)(2) office employees. The Board regrets that the partial dissent confuses the Board's respect for the commands of the CAA with a ''disdain'' for rulemaking that the Board does not have.

With all respect to our colleagues, the partial dissent's own lack of attention to the commands of the CAA is strikingly revealed by its discussion of the uncertainty and delay that allegedly will result from not resolving all constitutional responsibility and conflict of interest issues through additional exclusions from coverage. Regulatory uncertainty and delay should be reduced where legally possible and appropriate. But inclusion of the constitutional responsibility and conflict of interest issues in the mix of issues that inevitably must be addressed in a unit determination will not have the unique practical significance that the dissent claims, since employment in the legislative branch is in fact not substantially more transient than is employment in many parts of the private and federal sectors (*e.g.,* construction, retail sales, canneries in Alaska), since private and Executive Branch employers also work under ''time pressures'' that ''are intense and uneven,'' and since the Board has designed its section 220(d) procedures to deal with all unit determination issues as promptly as or more promptly than comparable issues are dealt with in the private and federal sectors. And, in all events, it is clear that administrative burdens of the type discussed by the partial dissent cannot legally justify additional exclusions from coverage, because these administrative burdens legally have nothing to do with the constitutional responsibility and conflict of interests inquiries to which the Board is limited under the statute; indeed, as noted above, the premise of the CAA is that Congress will better exercise its constitutional responsibilities if it is subject to the same kinds of administrative burdens as private sector and Executive Branch employers are subject to under these laws.

The Board appreciates its dissenting colleagues' concern that, if employees of section 220(e)(2) offices should choose to organize, elected officials in Congress may have to negotiate about their employees' ''conditions of employment'' with political friends or foes. But the Board cannot agree that these political concerns require or allow the additional possible exclusions from coverage that are mentioned in the partial dissent. Such political concerns do not legally establish an interference with Congress' constitutional responsibilities or a real or apparent conflict of interest; and the CAA by its express terms only allows additional exclusions from coverage that are required by such constitutional responsibilities or conflicts of interest. If the CAA is to achieve its objectives and the Board is to fulfill its responsibilities, the Board must adhere to the terms of the law that the Congress enacted and that the President signed; the Board may not properly relax the law so as to address non-statutory concerns of this type.

C. Section 220(e)(2)(H) Offices

Section 220(e)(2)(H) of the CAA authorizes the Board to issue regulations identifying ''other offices that perform comparable functions'' to those employing offices specifically listed in paragraph (A) through (G) of section 220. In response to a comment on the ANPR, the Board proposed in the NPR to so identify four offices—the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms of the Senate. No comments were received regarding this proposal, and the final regulation will specifically identify these offices, pursuant to section 220(e)(2)(H), as section 220(e)(2) offices.

In response to comments received by the Board, the final regulation will also identify and include the following employing offices in the House of Representatives as performing ''comparable functions'' to those offices specified in section 220(e)(2)) of the CAA: the House Majority Whip; the House Minority Whip; the Office of House Employment Counsel; the Immediate Office of the Clerk; the Office of Legisaltive Computer Systems; the Immediate Office of the Chief Administrative Officer; the Immediate Office of the Sergeant at Amrs; and the Office of Finance.

As explained by one of the commenters, these offices have responsibilities and perform functions that are commensurate with those offices specifically listed in section 22)(e)(2) or those offices identified in the proposed regulations. Thus, the duties and functions of the House Majority and Minority Whips are similar to the Offices of the Chief Deputy Majority Whips and the Offices of the Chief Deputy Minority Whips, which are expressly included in section 220(e)(2)(D). The Office of House Employment Counsel was created, following the enactment of the CAA, to provide legal advice and representation to House employing offices on labor and employment matters; this office performs functions similar to those of the Office of the House General Counsel, which is included in section 220(e)(2)(E), and those of the Senate Chief Counsel for Employment, which is identified in section 220(e)(2)(C).

Similarly, the Immediate Office of the Clerk of the House performs functions parellel to those performed by the Executive Office of the Secretary of the Senate, which is treated as a section 220(e)(2) office under these final regulations. Both offices are responsible for supervising activities that have a direct connection to the legislative process. Likewise, the Immediate Office of the House Sergeant at Arms has duties that correspond to those of the Administrative Office of the Senate Sergeant at Arms. Both offices are charged with maintaining security and decorum in each legislative chamber.

The House Office of Legislative Computer Systems runs the electronic voting system and handles the electronic transcription of official hearings and of various legislative documents; these functions are similar to those functions performed by the Office of Legislative Operations and Official Reporters, both of which are listed in section 220(e)(2)(D).

The Immediate Office of the Chief Administrative Officer has responsibilities and performs functions that are comparable to those performed by the Executive Office of the Secretary of the Senate and the Administrative Office of the Senate Sergeant at Arms, which are treated as section 220(e)(2) offices under these final regulations. Similarly, the House Office of Finance, like the Senate Disbursing Office, is responsible for the disbursement of payrolls and other funds, together with related budget and appropriation activities, and therefore will be treated, pursuant to section 220(e)(2)(H), as a section 220(e)(2) office.

VI. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 19 day of August, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

Member Seitz, concurring: In section 220 of the Congressional Accountability Act (''CAA'' or ''Act''), Congress instructed the Board of Directors of the Office of Compliance (''the Board'') to issue regulations that provide Congressional employees with certain rights and protections of chapter 71 of Title 5 of the United States Code. Most significantly, Congress commanded that the regulations issued be ''the same as substantive regulations issued by the Federal Labor Relations Authority'' unless the Board determines either that modified regulations would more effectively implement the rights and protections of chapter 71 (section 220(e)(1)(A)) or that exclusion from coverage of employees in the so-called political offices is ''required'' because of a conflict of interest or appearance of conflict of interest or because of Congress' constitutional responsibilities 220(e)(1)(B)). The Board faithfully fulfilled its statutory duty: We conducted the rulemaking required under section 304 of the Act, adhering to the principles and procedures embodied in the Administrative Procedure Act, as Congress instructed us to do. We examined and carefully considered the comments received and—with the assistance of the experienced and knowledgeable Executive Director and Deputy Executive Directors of the Office—we independently collected and analyzed the relevant factual and legal materials. Ultimately, the Board determined that there was no legal or factual justification for deviation from Congress' principal command—that the regulations issued to implement chapter 71 be the same as the regulations issued by the Federal Labor Relations Authority. The regulations we issue today reflect that considered determination.

The dissent unfairly attacks both the Board's processes and its conclusion.

The dissent attacks the Board's processes by stating both that section 220(e)(1)(B) of the Act requires some kind of a different ''proactive'' rulemaking process and that ''the Board did not undertake to make an

independent inquiry'' regarding the regulatory issues. As the preamble details, this attack is baseless. The Board conducted the statutorily-required rulemaking, a process which included substantial supplementation of the comments received with independent inquiry and investigation and the application of its own—and its appointees'—expertise.

The dissent's suggestion that the Board majority and the Board's appointees did not, in fact, do the spadework necessary to make the judgments made in both ungenerous and untrue, as it impugns the hard work and careful thought devoted to a sensitive issue by all concerned. And, indeed, the dissenters, like the Board majority, had access both to the publicly available materials that might have been relevant to the Board inquiry—such as job descriptions for various positions in Congress—and to legal and factual analyses generated by Board appointees.

To be sure, the Board would not approve *ex parte* factfinding contacts between Board members and interested persons in Congress during the rulemaking period in order to preserve the integrity of its rulemaking process. But neither the commenters nor the dissenting Board members have suggested *even one* additional fact that should have been considered by the Board. Accordingly, the dissent's attack on the Board's processes merely reflects the dissent's unhappiness with the Board's substantive determination. But, it is both wrong and unjust to accuse the Board of failing to engage in an appropriate *process* simply because the Board ultimately *disagreed* with those advocating substantial exclusions from coverage under section 220(e)(1)(B).

The dissent's attack on the substance of the Board's conclusion is similarly misguided. It makes no attempt to ground itself in law, and, in fact, ignores fundamental principles of statutory interpretation: First, in interpreting a statute one looks initially and principally to its language; here the statute authorizes exclusions from coverage only when ''*required*'' by the statutory criteria. Second, in interpreting a statute, the most relevant legislative history is that addressing the particular provision at issue; here what legislative history there is acknowledges that the substitution of chapter 71 for the National Labor Relations Act ensured the elimination of perceived problems with permitting employee organization in Congress and reveals that section 220(e)(1)(B) was inserted only to make that assurance doubly sure and not as a ''standardless license to roam far afield from . . . executive branch regulations.'' Third, in interpreting a statute, the broad purposes of legislation illuminate the meaning of particular provisions; here the Act in question was designed to bring Congress under the same laws that it has imposed upon private citizens. That purpose has already been diluted by Congress' application to itself of only the limited rights and protections of chapter 71, rather than the broader provisions of the National Labor Relations Act; it would be eviscerated altogether by broad exclusions from coverage of the sort the dissent would endorse.

Nothing in the comments received or in the independent investigation done by the Board suggests that broad exclusions of employees from the coverage of chapter 71 are ''required'' by conflicts of interest (real or apparent) or by Congress' constitutional responsibilities. As noted in the preamble, chapter 71, by application through the Act, broadly excludes numerous employees from coverage, narrowly confines the permissible arena of collective bargaining, and eliminates most of labor's leverage by barring strikes and slowdowns. There is nothing to fear here, unless one fears the (minimal) requirement that a Congressional employer and its employees communicate about terms and conditions of employment (or, at least those not set by statute) before the employer sets them. And the substantial limits that chapter 71 places on employee organization and collective bargaining fully protect Congress' ability to carry out its constitutional responsibilities and entirely prevent any employee conflicts of interest (real or apparent). While we agree with the dissent that Congress is an exceptional institution, that exceptionalism does not warrant a broad exception from the coverage of chapter 71; neither the dissent nor the Board has identified any constitutional reasonability or conflict of interest that chapter 71's provisions do not adequately address.

The Board's determination that no further regulations are ''required'' under section 220(e)(1)(B) does not render that section a nullity, as the dissent states. Nor does it indicate a ''disdain'' for regulatory resolutions. Section 220(e)(1)(B) does not require either regulations or exclusions; it requires a Board inquiry into whether any such exclusions by regulation are necessary. The Board has conducted such an inquiry and has made the statutorily-required determination. That determination is the result of principled statutory interpretation, factual investigation, and legal analysis.

It is, in fact, the dissent's position that would render a portion of the CAA a nullity, because it would insulate Members of Congress from direct experience with employees dignified by labor-relations rights and protections. The Board's position keeps the promise of the Congressional Accountability Act. If the language, legislative history, and fundamental purpose of that Act are to be directly contradicted, that decision is for Congress alone. Such a result cannot lawfully be achieved by Board regulation.

Member Lorber, joined by Member Hunter, dissenting in part: The Congressional Accountability Act (''CAA'') is one of the most significant legislative achievements of the Congress in many years. While its reach is peculiarly insular, covering only the employees of the Congress and designated instrumentalities of the Congress, its import is global. As the bipartisan leadership of the Congress stated upon the CAA's enactment, this law brings home the promise first offered by Madison in the Federalist Papers that the Congress would experience itself the impact of the [employment] laws it passes and requires of all [employers].

The CAA established an Office of Compliance within the Congress to operationally carry out the functions of the CAA. The CAA established an independent Board of Directors appointed by the Bi-Partisan Congressional leadership to supervise the operation of the Office, prepare regulations for Congressional approval and act in an appellate capacity for cases adjudicated within the Office of Compliance procedures. As noted by Senator Byrd when the CAA was debated, this tri-partite responsibility of the Board is somewhat unique. In the present rulemaking, the Board is acting in its role as regulator, not adjudicator.

Pursuant to the CAA, the Board was charged with conducting a detailed review of all existing Executive Branch regulations implementing eight labor laws, deciding which of those regulations were appropriate to be adapted for implementation under the CAA and then drafting them to conform with the requirements of the CAA. For the regulations issued and adopted to date and for *most* future regulations, the Board engaged or will engage in a notice and comment process which was modeled after similar procedures followed by the Executive Branch. For the regulations adopted prior to the current rulemaking, after the conclusion of the comment period and after its analysis of the comments, the Board promulgated final regulations formally recommended by its statutory appointees and submitted them for the consideration of Congress.

We believe that this background discussion is appropriate since we are here publishing our dissenting opinion regarding the preamble and recommendation regarding regulations to implement section 220(e)(1)(B) of the Congressional Accountability Act. We note that these proposed regulations also address the statutory inquiry required by section 220(e)(1)(A) of the Act which require the Board to modify applicable regulations issued by the Federal Labor Relations Authority for good cause shown, to determine whether the regulations adopted pursuant to section 220(d) will apply to the political offices listed in section 220(e) and regulations required by section 220(e)(2)(H) of the Act which requires the Board to determine if there are other offices which meet the standards of section 220(e)(2) so as to be included in the consideration required by section 220(e)(1)(B). We do not dissent from the Board's final resolution of these regulatory issues.

We do not undertake to issue this first dissent in the Board's regulatory function lightly. At the outset, the Board appropriately decided that would endeavor to avoid dissents on regulatory matters. We felt then, and indeed do so now, that the public interest and the Congressional interest in a responsible implementation of the CAA required that the Board work out, in its own deliberative process, differences in policy or procedure. While the issues there addressed were are some of the most contentious employment issues in the public debates, the Board and staff worked through the issues with a remarkable degree of unity and comity.

However, in enacting the Congressional Accountability Act, the Congress included one section that differs from all others in requirements of the Board and in its process of adoption. Indeed, unlike any other substantive provision of the CAA, this section finds no parallel in the published regulations of the Executive Branch. Section 220 of the CAA, which adopts for Congressional application the relevant sections of the Federal Labor Relations Act contains within it subsections 220(e)(1)(B) and (e)(2), which deal with the application of the FLRA to the staff of Congressional personal offices, committee offices and the other offices listed in section 220(e)(2), (''the political offices'').

Section 220(e)(1)(B) of the Act requires the Board to undertake its own study and investigation of the impact of covering the employees in the political offices and determine itself, as a matter of first impression and after its own inquiry, whether such coverage of some of all of those employees would create either a constitutional impediment or a real or apparent conflict of interest such as to require the Board to exempt from coverage, by regulation, some or all of those employees or some or all of the positions employed in the political offices. Due to the speed of enactment, and apparently because the CAA culminated a protracted period of prior debate by previous Congresses on this issue, neither the statute nor any accompanying explanations provided specific guidance as to the method and procedure the Board was to follow in reaching its 220(e)(1)(B) recommendations.

The section in question contains two separate requirements for the Board. Section 220(e)(1)(A) repeats the standard for all other Executive Branch Regulations that the Board may, for good cause shown, amend the

applicable FLRA regulations as applied to the Congress. As previously noted, we join the Board's resolution of this section. However, unique to the CAA, section 220(e)(1)(B) requires of the Board that it independently review the coverage question for the political offices enumerated in section 220(e)(2) in order to determine if the Board should, by regulation, recommend that some or all of the employees of those offices be excluded from coverage. This exclusion from coverage merely means that the Board has determined that certain positions be exempted from inclusion in bargaining units for the statutory reasons set forth in section 220(e)(1)(B). The other applicable exemptions found in the FLRA and noted by the majority are unaffected by section 220(e)(1)(B). Thus, reference to the applicability of those exemptions may have been necessary to respond to certain commenters but are irrelevant for these purposes. Again, unlike any other regulation proposed by the Board, the 220(e) regulations will not take effect until affirmatively voted on by each House of Congress. It should be noted that 220(d) regulations governing application of the FLRA to Congressional employees not working in the 220(e)(2) political offices are not affected by this enactment requirement. This requirement was necessary in part because there are no comparable Executive Branch regulations which will come into effect in the absence of Congressional action. Thus, the Congress must exercise greater oversight in reviewing these regulations because there is no preexisting regulatory model against which to compare the Board's decision. By requiring this independent analysis, the Congress clearly intended for the Board to investigate these issues a manner different from the passive or limited review as defined by the majority.

Faced with this novel requirement, the Board attempted to fashion a means of addressing this issue which would continue its practice of ensuring fair, prompt and informed consideration of regulatory issues. The majority adopted as its guide the process heretofore followed by the Board in its previous regulatory actions in the standard notice and comment manner. Its methodology was apparently modeled after its belief that the Administrative Procedure Act (''APA'') is either directly incorporated into the CAA or that the reference to the APA in section 304 binds the Board in a way so as to preclude it functioning in a normal and accepted regulatory manner. Of course, if the majority does not now assert that its analysis is constrained by its restrictive interpretation of the APA, then we are in some doubt about the majority's stated reason for its passive review of written comments and failure to undertake any examination on its own of the issues here before us.

The Board attempted to frame the 220(e)(1)(B) issue broadly enough to encourage informed comment by the regulated groups. It responded to the comments received by proposing a regulatory scheme (in this case a decision not to issue any 220(e)(1)(B) elicited comments on the proposed regulations after which it reached the decision published today. The undersigned members believe, however, that section 220(e)(1)(B) charged the Board with a different role. We believe that the Board had the obligation to direct its staff and that the staff itself with independent obligations to each respective House of Congress had to undertake a more involved role. We believe that the uniqueness of this statutory provision required the Board to be proactive in its approach and analysis. Indeed by its very inclusion in the statute, and the requirement that the Congress affirmatively approve of its resolution, section 220(e)(1)(B) indicated a concern on behalf of the entire Congress that potential unionization of the political employees of the political offices in the Congress might pose a constitutional or operational burden (as defined by a conflict or apparent conflict or interest) on the effective operations of the legislative branch. Whatever the individual views of any Board member regarding this section, we believe that our responsibility is to effectuate the intent of the Congress as reflected in the Statute.

Response to the Board's initial invitation for informed input was not substantial. However, after the Notice of Proposed Rulemaking was published, substantial comments were received. In fact, the Board made special efforts to elicit comments and even briefly extended the comment period to accommodate interested parties who could offer assistance. By the end of the process, the Board did receive comments from most of the interested Congressional organizations. It received only one comment from a labor organization during the ANPR period and a separate letter during the NPR period in which the labor organization indicated that it reaffirmed its opposition to a total exemption of the political offices employees. The quality and informative content of the comments received are subject to differing views. The majority of the Board apparently believes that the comments were not particularly helpful or informative. We can only reach this conclusion by noting that the Board took pains to disclaim the substance and import of the comments received except apparently to credit substantive weight to the sole comment urging that the Board refuse to exercise its authority under 220(e)(1)(B). We believe, on the other hand, that the substantive comments did articulate a cogently expressed concern about the coverage of the employees in question and the disruptive effect a case by case adjudicatory process would have on the activities of the Congress. In any event, the section of the statute here in question *requires* the Board to move its inquiry beyond the written submissions.

Unfortunately, the Board did not undertake to make independent inquiry regarding these questions or to engage in inquiry of Congressional employees or informed outside experts. Rather, the Board continued its nearly judicial practice by which it analyzed the comments as submitted and neither requested follow up submissions nor conducted any independent review. Contrary to the majority's opinion, the undersigned believed that the submitted comments were helpful in indicating areas of concern and setting forth possible methods of addressing this issue. And in any event, under the majority's own standards, the lack of *any* substantive comments supporting the majority's ultimate conclusion is telling.

In the type of insulated analysis undertaken by the Board, where it relies so heavily upon submitted comments, we find it curious that the majority apparently adopted a position that it was only the obligation of those supporting a full or partial exclusion under section 220(e)(1)(B) to persuade the Board and that those opposing such exclusion can rely upon the Board's own analysis. We believe that the Board was charged with a different task and that it had to reach its own conclusions unanchored to the quality or inclusiveness of the comments. The undersigned relied, in addition, on our own understanding of the responsibilities of the Congress and the various offices designated for consideration, the criteria set forth for decision in the Statute, and our own experience. We believe that the Board's deliberations were hampered by its constricted view of its role and by not undertaking its own investigative process so as to better understand the tasks generic to the various Congressional job titles in the political offices.

The Board's discussions were detailed and frank. They were carried out in a professional and collegial manner. Various formulations of resolution were put forth by various commenters and the dissenters, including regulatory exemption of all employees, regulatory exemption of employees with designated job titles, regulatory exemption of all employees deemed to be exempt as professional employees under section 203 of the Act (the FLSA) and other regulatory formulations. We believed that the statute did not give the Board the discretion to set its analytical standards so high as to make a nullity of section 220(e)(1)(B). Indeed, we believe that the statute legally compelled the Board to undertake efforts to give meaning to the exemptions. The majority has been resistant to any formulation which would apply the 220(e)(1)(B) regulatory exemption. The result of the Board's deliberations are found in the proposed 220(e)(1)(B) regulations (or lack thereof) and the explanatory preamble.

We dissent from this resolution for several reasons. As set forth above, we believe that the Board was charged with a different and unique role. In this case, the credibility of the Board's response to section 220(e)(1)(B) demanded a proactive, investigatory effort under the authority of the Board which we believe simply did not occur. The majority, as expressed in the preamble, relied instead upon past precedents and concepts which we believe inapplicable or at least not determinative of the complex issue raised by 220(e)(1)(B). Indeed, as discussed below, its limited view of the leeway regulators have to interpret their statutes so as to give meaning and substance to Congressional enactment mars this entire process. We note, for example, the majority's reliance on *In re Department of Labor, Office of the Solicitor and AFGE Local 12*, 37 F.L.R.A. 1371 (1990), for its discussion of ''confidential employees'' and for other purposes. While this case may be pertinent if that issue comes before the Board in an adjudicatory context, we fail to see its relevance when the statute commands the Board to view the issue of unionization of *politically appointed* employees who work in *political offices* in the legislative body under separate and novel standards. Indeed, as we noted above, the standard statutory exemptions for professional or confidential employees are simply irrelevant to this discussion. Thus, in the case relied upon so heavily by the majority, we would simply note that Labor Department attorneys are, like the vast majority of federal employees covered by the FLRA, career civil servants who must conduct their professional activities in a nonpartisan environment. We believe that the conflict or apparent conflict of interest implicated by each workplace environment and type of employee is different. Politically appointed employees in political offices are under different constraints.

We note as well that the majority looked to private precedent decided under the National Labor Relations Act for guidance. If the majority believes that NLRB precedent is of assistance to our deliberations, we too would look to applicable NLRB precedent for guidance. Apparently faced with a growing caseload and inconsistent decisions by the appellate courts, the NLRB undertook in 1989 to decide by formal rulemaking the appropriate number of bargaining units for covered health care institutions. At the conclusion of this rulemaking process, the NLRB decided that in the absence of exceptional circumstances defined in the regulation, see 29 CFR §130.30 (1990), eight bargaining units would be appropriate. This rulemaking was challenged on several grounds including citation to §159(b) of the NLRA

which appears to state that the NLRB should establish appropriate bargaining units in *each case* (emphasis added). However, in *American Hospital Association* v *NLRB* 499 US 606(1991), a unanimous Supreme Court rejected the view that the NLRB was constrained from deciding any matter on the basis of rulemaking and was compelled to decide every matter on a case by case basis. The Court cited its precedents in other statutory cases for the proposition that a regulatory decision maker ''has the authority to rely on rulemaking to resolve certain issues of general applicability unless Congress clearly expresses an intent to withhold that authority.'' 499 US 606, 612. (citations omitted.) In our statute, the Congress has clearly stated its preference *for* a regulatory resolution. Indeed, the Court cited with approval the following from Kenneth C. Davis, described by the Court as ''a noted scholar'' on administrative law:

''[T]he mandate to decide 'in each case' does not prevent the Board from supplanting the original discretionary chaos with some degree of order, and the principal instruments for regularizing the system of deciding 'in each case' are classifications, rules, principles, and precedents. *Sensible men could not refuse to use such instruments and a sensible Congress would not expect them to* (emphasis added.) 499 US at 612.''

We see absolutely nothing in the CAA which nullifies this observation. The majority finds statutory constraints where we find statutory encouragement to act in the manner of ''the sensible man'' as defined by Davis and relied upon by the Supreme Court. To the extent other similar experience is relevant, we would look to the fact that the Board was informed that no state legislative employees are included in unions even in states which otherwise encourage full union participation for their own public employees. Unfortunately, the majority neglected to analyze the relevance of this fact.

The preamble reflects the majority's belief that it was constrained to act only upon the public rulemaking record. We believe that this analytical model is flawed. The Board cites the reference to the Administrative Procedure Act in section 304 of the Act as implicity signaling that the Congress somehow incorporated that Act's procedural requirements into the CAA. The majority's view overstates the statutory reality. Most simply, the statutory reference does not command slavish adherence to a formalistic APA inquiry. While APA procedures are certainly good starting points for any rulemaking process, its intricacies and judicial interpretations cannot be deemed binding on the CAA process. Indeed, with respect to most of our regulatory activities, the statute places additional limitations on the Board's discretion and inquiry far more limited than that permitted by the APA. Particularly with regard to section 220(e)(1)(B), the statute clearly places different responsibilities and procedural requirements on the Board. The majority erred in adopting its passive analytical role.

But perhaps more importantly, we believe that the Board's understanding of the appropriate response by regulators to Rulemaking obligations is seriously constricted. Rulemaking never required a hermetically sealed process in which the decision makers sit in a judicial like cocoon responding only to the documents and case before them. Since this Board has disparate functions, it must adapt itself to the specific role rather than bind itself to a singular method of operation, particularly when the issue in question calls for a unified decision and guidance rather than the laborious and time consuming process inherent in case by case resolution. And in any event, as it has evolved, modern rulemaking encourages active participation by regulatory decision makers in the regulatory process, including staff fact finding and recommendation, contacts with involved parties so that all information is obtained and other independent means of acquiring the information necessary to reach the best policy decision. There is no requirement that regulatory decision makers be constrained solely by written submissions which are subject to the expository ability of the commenters rather than the actual facts and ideas they wish to convey. Indeed, while every other regulatory responsibility of this Board is limited to merely reviewing existing federal regulations, in this one area the statute demands that the Board act proactively on a clean slate. This the Board did not do.

We note as well the majority's equation of the Executive Branch functions with the legislative process of the Congress in its citations to past FLRA cases and in its general analysis. We frankly find this comparison to be without any legal or constitutional support. The two branches have wholly different functions. While the Executive Branch has officials who obviously interact with the Congress, their role is not the same as legislative employees who directly support the legislative process in the political offices and institutions of the Congress. Perhaps it should be noted with some emphasis that *advocacy before the Congress is not the same as working in the Congress.* Thus, it is simply wrong to suggest, as the majority does, that Executive Branch employees perform legislative functions. Or that the Board is somehow bound, in this instance, to mutely follow the holding of one FLRA case which addressed the bargaining unit status of government attorneys employed to interpret and enforce a host of laws directed at employment issues, the vast majority of which have absolutely nothing to do with labor management issues. The issue before us requires a sufficient knowledge of Congressional staff functions, responsibilities and relationships so that the statutorily required determination will be meaningful.

We wish to comment on the majority's apparent reluctance or disdain for at least a partial regulatory resolution of this issue. Case by case adjudication of individual factual issues may well be the best means of assuring procedural due process as well as fundamental fairness to the parties involved. The history (until recently) of labor management enforcement had shown a reluctance for regulatory resolution of labor management issues and opted instead for case by case resolution. However, the decisions by the NLRB and the Supreme Court in the *American Hospital Assocation* case and more recent efforts by the NLRB to engage in more extensive rulemaking indicates that even in the labor-management arena, in which we find ourselves, there is a recognition that regulatory resolution of global issues requiring resolution is often preferable to time consuming and expensive case by case litigation. We share the concern of some of the commenters that a process of adjudicatory resolution, regardless of the efficient manner in which it may be conducted by the Office of Compliance, is time consuming and subject to delay. To add to this, we note that the Board is a part time body whose members must pursue their professional activities as well as serve in the capacity of Board Member. The Board has justified its refusal to issue advisory opinions on other interpretative matters in part on its resource limitations. We agreed with that decision. We merely think it appropriate that the implications and rationale of that decision be applied to the matter before us.

Cognizance must also be taken of the fact that the offices and employees at issue here are transient. In some instances, the entire composition of an employing office may change every two years. We understand that employment in the positions at issue is often not considered a career opportunity but rather represents a period in the professional life of such an employee where they devote their energy and ability to a public pursuit before embarking on their private careers. We point out that case by case adjudication of the eligibility of various employees of various employing offices to be included within collective bargaining units may not be resolved until the employee or the office itself is no longer part of Congress. Thus, while the coverage issue is litigated on a case-by-case, employee-by-employee basis, final resolution of the underlying representational issue is delayed. In a body such as Congress where time pressures are intense and uneven, the inherent disruption and confusion attendant to such uncertainty is highly unfortunate. We believe that the Congress recognized this dilemma by including section 220(e)(1)(B) in the statute. In addition, we look to the impact on employees in those offices who may nevertheless be eligible to join a union if their positions are otherwise not deemed exempt under whatever formulation and note that their statutory rights will be denied because of the insistence on treating this issue as merely another adjudication.

We finally must address one argument put forward by the Board that suggests that since Congressional employees are apparently free to join, in their private capacity, whatever organizations they wish such as the Sierra Club, the National Right to Work Committee, or NOW, (but see section 502(a) of the CAA), distinguishing between these activities and union membership or ceding authority to the collective bargaining representative represents an unfair discrimination against unions in violation of the FLRA. While of some obvious surface appeal, this argument is entirely frivolous. We must observe that there is one salient difference between those organizations and the labor representation we are here discussing. The organizations cited by the majority *do not* represent the employees for the purpose of their employment and working conditions. They have no official status regarding the working relationships and responsibilities of their members. In contrast, the major purpose of labor organizations, aside from their historical and active participation in the political process, is to represent bargaining unit employees with respect to the terms and conditions of their employment as permitted by law. In the case of the FLRA, once a union is the certified bargaining representative, it represents the employee regardless of whether the employee is a member of the union or not. Thus, the reference to other organizations is of absolutely no relevance to issues being decided today and, in fact, raises issues not before us now and not even within the scope of the CAA.

For at least the reasons set forth above, we must dissent from the Board's decision regarding Section 220(e)(1)(B) regulations and the explanation for that decision set forth in the Preamble to the final regulation. We emphasize that this dissent should not be deemed as precedent for future divisions of the Board. We cannot emphasize enough the unique requirements of section 220(e)(1)(B). Indeed, the statute itself recognizes this distinction by treating employees of the instrumentalities in a wholly different manner than employees of the 220(e)(2) offices. The Board has spent extensive time reviewing this issue. The majority comes to its conclusions backed by its view of the historical treatment of labor management issues and its belief that its scope of review is limited. In short, the Board adopted an unjustified

stance regarding its legal authority and self-perceived constraints in the statute. We believe, however, that precedent and our statute command a different treatment. We also believe that the majority ignores the modern developments in regulatory issues. Thus, in view of the explanations offered in the preamble and the decisions reached by the majority, we regretfully believe those decisions to be wrongly considered and wrongly decided.

We add a brief coda to our dissent to simply respond to our colleagues who apparently feel that their lengthy preamble insufficiently set forth their views. We begin by apologizing to the Congress by burdening it at this extraordinary time in the second session of the 104th Congress with these arcane arguments regarding the meaning of the CAA, or PL 104–1. Indeed it is precisely this time constraint which partially drives our concern over the majority's action. We have no doubt that cannery workers, construction workers or sales persons have time constraints. So do health care workers. The Congress will have less than thirty days to complete this session. Critical public business must be completed. These are the time pressures inherent in the Congress which find little parallel in other workplace environments. We respectfully question whether section 220(e)(2) employees are the same as the aforementioned employees, or indeed Executive Branch employees who must perform their critical public business of administering or enforcing the laws Congress passes over a normal full year time span. To underscore our comments in the dissent, our colleagues surely understand the constitutional difference between Article I employees and Article II employees and the constitutionally different responsibilities assigned to each.

Our colleagues suggest that we did not read or misunderstood the wealth of materials gathered during the six month period this issue has been before us. While we applaud the majority's acknowledgement now expressed that it must go beyond the submitted comments, we confess not having had the privilege of knowing that these materials existed. But of much more importance, if these materials existed and were of such weight in the majority's consideration, then its own articulately stated view of the statutory obligations of notice and comment should have required that this information be described and listed in the various notices so that the commenters could fairly respond and argue how this information impacted their comments. It wasn't.

We respectfully submit that our colleagues misconstrue the discussion regarding the *American Hospital Association* case. Our point was not to laud the NLRB or even our Deputy Executive Director, which we surely do. Rather it was to suggest that the Supreme Court precedent involving both labor-management laws and regulatory flexibility did provide the guidance and legal authority we understand our colleagues to be searching for. We particularly note that the Court there apparently considered the observations of an administrative law scholar regarding the need to impute into every statute establishing regulatory authority the obligation of sensible interpretation as being as of much or even more precedential weight as the prior decisions of that Court.

Too much has been written on this issue. We hope that the Congress does devote some time to considering the recommendation being sent to it by the Board of the Office of Compliance. If this dissent has some resonance, perhaps the Congress might consider returning it to the Board with some guidance as to its intentions regarding the factors to be considered and methodology to be followed by the Board in reaching its recommendations.

ADOPTED REGULATIONS

§2472 Specific regulations regarding certain office of Congress

§2472.1 Purpose and Scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, the Administrative Office of the Sergeant at Arms of the Senate, the Office of the Majority Whip of the House of Representatives, the Office of the Minority Whip of the House of Representatives, the Office of House Employment Counsel, the Immediate Office of the Clerk of the House of Representatives, the Immediate Office of the Chief Administrative Officer of the House of Representatives, the Office of Legislative Computer Systems of the House of Representatives, the Office of Finance of the House of Representatives and the Immediate Office of the Sergeant at Arms of the House of Representatives.

§2472.2 Applicant of Chapter 71.

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office, as set forth at section 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1 covered employees who are employed in those offices and representatives of those employees.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4531. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Prunes Grown in Washington and Oregon; Handling Requirement Revision; Fruits; Import Regulations; Fresh Prune Import Requirements [Docket No. FV95–924–1FR] received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4532. A letter from the Agricultural Marketing Service, transmitting the Service's final rule—Apricots and Cherries Grown in Designated Counties in Washington and Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Assessment Rates [Docket No. FV95–922–1FR] received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4533. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Assessment Rate [Docket No. FV96–985–2 FIR] received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4534. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Assessment Rate [Docket No. FV96–920–1 IFR] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4535. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Olives Grown in California and Imported Olives; Establishment of Limited-Use Style Olive Grade and Size Requirements [Docket No. FV96–932–3 FIR] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4536. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Carolina, Southeast, Tennessee Valley and Louisville-Lexington-Evansville Marketing Areas; Interim Amendment of Rules [Docket No. AO0388–A9, et al.; DA–96–08] received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4537. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Assessment Rate [Docket No. FV96–929–3 IFR] received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4538. A letter from the Administrator, Agricultural Marketing Service, transmitting

the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Interim Final Rule to Revise Pack and Size Requirements [Docket No. FV96–906–3I FR] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4539. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes Grown in Florida and Imported Limes; Change in Regulatory Period [Docket No. FV96–911–2FR] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4540. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Southeastern Potatoes; Assessment Rate [Docket No. FV96–953–1 FIR] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4541. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oregon-California Potatoes; Assessment Rate [Docket No. FV96–947–1 FIR] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4542. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; change in Quality Control [Docket No. FV96–981–3 IFR] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4543. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Assessment Rate [Docket No. FV96–982–1 FIR] received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4544. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Increased Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV96–998–1 FIR] received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4545. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apricots Grown in Designated Counties in Washington; Temporary Suspension of Grade Requirements [Docket No. FV96–922–1 FIR] received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4546. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of the Netherlands Because of Hog Cholera and Swine Vesicular Disease [Docket No. 96–014–2] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4547. A letter from the Congressional Review Coordinator, Animal and Plant Inspection Service, transmitting the Service's final rule—Change in Disease Status of Spain Because of African Swine Fever [Docket No. 96–025–2] received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4548. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity trading Advisors (17 CFR Part 4) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4549. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Publicizing of Broker Association Memberships (17 CFR Part 1) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4550. A letter from the Assistant Secretary for Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Official Weighing Services (RIN: 0580–AA40) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4551. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Accounting Requirements for RUS Telecommunications Borrowers (RIN: 0572–AB10) received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4552. A letter from the Acting Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 1997, pursuant to Public Law 101–508, section 13101(c)(4) (104 Stat. 1388–589); to the Committee on Appropriations.

4553. A communication from the President of the United States, transmitting his request to make available appropriations totaling $51,200,000 in budget authority to the Department of the Interior, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–256); to the Committee on Appropriations and ordered to be printed.

4554. A letter from the Comptroller General of the United States, transmitting a review of the President's eighth special impoundment message for fiscal year 1996, pursuant to 2 U.S.C. 685; to the Committee on Appropriations.

4555. A letter from the Director, Congressional Budget Office, transmitting CBO's sequestration update report for fiscal year 1997, pursuant to Public Law 101–508, section 13101 (a) (104 Stat. 1388–587); to the Committee on Appropriations.

4556. A letter from the Principal Deputy Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–02, violating restrictions of section 101 of the Military Construction Act of 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4557. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Anti-Deficiency Act—account 68014922, in connection with a contract awarded to support the Office of Research and Development's work on stationary source emissions under the Clean Air Act Amendments, Title III, Air Toxics, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4558. A letter from the Acting Director, Office of Management and Budget, transmitting the OMB sequestration update report to the President and Congress, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

4559. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–252); to the Committee on Appropriations and ordered to be printed.

4560. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's defense manpower requirements report for fiscal year 1997, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on National Security.

4561. A letter from the Assistant Secretary of the Army for Research, Development and Acquisition, Department of the Army, transmitting notification of intent to award a contract for all services, material, and facilities to the George C. Marshall Foundation, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on National Security.

4562. A letter from the Director, Office of Small and Disadvantaged Business Utilization, Department of Defense, transmitting a report on the progress of the Department of Defense toward the achievement of the goal to award 5 percent of DOD contracts to small disadvantaged business, historically Black colleges and universities and minority institutions, pursuant to 10 U.S.C. 2323(i); to the Committee on National Security.

4563. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Insurance Premium (FR–3899) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4564. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Kazakstan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4565. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China (China), pursuant to 12 U.S.C. 635 (b)(3)(i); to the Committee on Banking and Financial Services.

4566. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China (China), pursuant to 12 U.S.C. 635 (b)(3)(i); to the Committee on Banking and Financial Services.

4567. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China (China), pursuant to 12 U.S.C. 635 (b)(3)(i); to the Committee on Banking and Financial Services.

4568. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China (China), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4569. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4570. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Trinidad and Tobago, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4571. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Pakistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4572. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4573. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4574. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance, transmitting the Corporation's final rule—Joint Agency Policy Statement: Interest Rate Risk [Federal Reserve System Docket No. R–0802] [Department of the Treasury Docket No. 96–13] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4575. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Membership Approval [No. 96–43] received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4576. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Federal Home Loan Bank Directors' Compensation and Expenses [No. 96–56] received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4577. A letter from the Board of Governors, Federal Reserve System, transmitting the seventh annual report on the assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking and Financial Services.

4578. A letter from the Administrator of National Banks, Office of the Comptroller of the Currency, transmitting the Office's final rule—Interagency Guidelines Establishing Standards for Safety and Soundness [Docket No. 96–19] (RIN: 1557–AB17) received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4579. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Interagency Guidelines Establishing Standards for Safety and Soundness [No. 96–53] (RIN: 1550–AA97) received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4580. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 966 and H.R. 2337, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4581. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1627 and H.R. 3161, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4582. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1975, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4583. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3215, H.R. 1114, H.R. 3235, and S. 1316, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4584. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3103, H.R. 3448, and H.R. 3680, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4585. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 3603, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on the Budget.

4586. A letter from the Commissioner of Education Statistics, Department of Education, transmitting the fourth report on the evaluation of the National Assessment of Educational Progress ''Quality and Utility: The 1994 Trial State Assessment in Reading'', pursuant to Public Law 100–297, section 3403(a) (102 Stat. 348; to the Committee on Economic and Educational Opportunities.

4587. A letter from the Secretary of Education, transmitting a report entitled, ''Third Biennial Report to Congress on Vocational Education Data in the U.S. Department of Education'', pursuant to Public Law 101–392, section 407 (104 Stat. 824); to the Committee on Economic and Educational Opportunities.

4588. A letter from the Assistant Secretary of Labor Department of Labor, transmitting the Department's final rule—Training and Employment Guidance Letter No. 7–95—received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4589. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Regulation Relating to Definition of ''Plan Assets''—Participant Contributions (RIN: 1210–AA53) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4590. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4591. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's annual report to Congress 1995, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

4592. A letter from the Assistant Secretary of Health and Human Services, transmitting the fourth triennial report on drug abuse and drug research on the health consequences and extent of drug abuse, including recent findings on the health effects of marijuana, cocaine, and the addictive properties of tobacco, pursuant to 42 U.S.C. 290aa–4(b); to the Committee on Commerce.

4593. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Regulatory Reinvention (RIN: 1991–AB25) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4594. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Debarment and Suspension (Procurement) and Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) and Department of Energy Acquisition Regulation (RIN: 1991–AB24) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Glazing Materials (National Highway Traffic Safety Administration) [Docket No. 95–13, Notice 02] (RIN: 2127–AF28) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Brake Hoses, Whip Resistance Test (National Highway Traffic Safety Administration) [Docket No. 95–88, Notice 02] (RIN: 2127–AG02) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. 80–9; Notice 12] (RIN: 2127–AF59) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Inland Seafood Festival Jet Boat Races, Ohio River Mile 469.5 to 471.2, Cincinnati, Ohio (U.S. Coast Guard) [CGD08–96–034] (RIN: 2115–AE46) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Lansing Fishing Days, Upper Mississippi River Mile 663.0–663.5 Lansing, IA (U.S. Coast Guard) [CGD08–96–038] (RIN: 2115–AE46) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4600. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Authorization of Revisions to State Hazardous Waste Management Program [FRL–5552–5] received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4601. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Massachusetts; Emissions Banking, Trading, and Averaging Program Approval [FRL–5533–2] received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4602. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Approval of Section 112(1) Delegated Authority; Washington [FRL–5551–9] received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4603. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of Alaska Petition for Exemption from Diesel Fuel Sulfur Requirement [FRL–5555–5] received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4604. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee SIP Regarding Volatile Organic Compounds [FRL–5547–1] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4605. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Wisconsin [FRL–5553–1] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4606. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Wisconsin [FRL–5550–6] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4607. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Marine Vessel Transfer Operations [FRL–5552–9] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4608. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production [FRL–5560–1] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4609. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96–98]; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers [CC Docket No. 95–185]; Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas [NSD File No. 96–8]; Administration of the North American Numbering Plan [CC Docket No. 92–237]; and Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois [IAD File No. 94–102] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4610. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shingletown, California) [MM Docket No. 95–51, RM–8591] received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4611. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information; Use of Data Regarding Alarm Monitoring Service Providers [CC Docket No. 96–115] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4612. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 [CC Docket No. 96–98] and Interconnections between Local Exchange Carriers and Commercial Mobile Radio Service Providers [CC Docket No. 95–185] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4613. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services [WT Docket No. 96–6] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4614. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 1.420(f) of the Commission's Rules Concerning Automatic Stays of Certain Allotment Orders [MM Docket No. 95–110] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4615. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Willows, California) [MM Docket No. 94–126; RM–8531] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4616. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Policies & Rulings Concerning Children's Television Programming/Revision of Programming Policies for Television Broadcast Stations [MM Docket No. 93–48; FCC 96–335] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4617. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Las Vegas, New Mexico) [MM Docket No. 95–161; RM–8709] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4618. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reporting; Baseline Reports; Stay of Effective Date [Docket No. 91N–0295] (RIN: 0910–AA09) Received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4619. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Standards: Amendment of Standards of Identity for Enriched Grain Products to Require Addition of Folic Acid; Correction [Docket No. 91N–100S] (RIN: 0910–AA19) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4620. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish; Identification of the 20 Most Frequently Consumed; and Policy for Data Base Review for Voluntary and Mandatory Nutrition Labeling [Docket No. 94N–0155] (RIN: 0910–AA19) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4621. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Codes and Standards for Nuclear Power Plants (RIN: 3150–AC93) received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4622. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Deletion of Outdated References and Minor Change (RIN: 3150–AF43) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4623. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1996, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

4624. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Food Labeling; Nutrient Content Claims and Health Claims; Restaurant Foods (Food and Drug Administration) [Docket No. 93N–0153] (RIN: 0910–AA19) received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4625. A letter from the Secretary of Health and Human Services, transmitting the Department's ''Major'' final rule—Regulatory Impact Analysis of the Final Rules to Amend the Food Labeling Regulations (Food and Drug Administration) [Docket No. 91N–0219] (RIN: 0905–AD08) received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4626. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 26–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4627. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning a joint U.S./Canadian effort to modernize existing Joint Surveillance System R/SAOC computing and display capabilities to better support NORAD missions (Transmittal No. 15–96) received August 6, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4628. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning the development of a common set of Electronic Countermeasure (ECM) simulations with Australia (Transmittal No. 17–96) received August 21, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4629. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 96–72), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4630. A letter from the Director, Defense Security Assistance Agency, transmitting notification of an umbrella cooperative project with Sweden covering future collaboration on research, exploratory development, and advanced development whose maturation may lead to technologically superior conventional weapon systems (Transmittal No. 16–96) received August 28, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4631. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing assistance to support Pakistan's contribution to the voluntary military contingent in Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

4632. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–41: Suspending Restrictions

on U.S. Relations With the Palestine Liberation Organization, pursuant to Public Law 104–107, section 604(b)(1) (110 Stat. 756); to the Committee on International Relations.

4633. A communication from the President of the United States, transmitting a report on actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to organizations that disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c) (H. Doc. No. 104–253); to the Committee on International Relations and ordered to be printed.

4634. A communication from the President of the United States, transmitting a report on developments since his last report of February 9, 1996, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c) (H. Doc. No. 104–254); to the Committee on International Relations and ordered to be printed.

4635. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations is to continue in effect beyond August 19, 1996, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 104–255); to the Committee on International Relations and ordered to be printed.

4636. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4637. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4638. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Correction and Removal of Entry (31 CFR Chapter V) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4639. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Assets Control Regulations, Iranian Transactions Regulations, Iraqi Sanctions Regulations; Implementation of Section 321 of the Antiterrorism and Effective Death Penalty Act of 1996 (31 CFR Parts 500, 515, 535, 550, 560, and 575) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–334, ''Comprehensive Merit Personnel Act Health and Life Insurance Clarification Amendment Temporary Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–317, ''Child Support Enforcement Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–316, ''Commission on Mental Health Services Psychologists Protection Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4643. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–315, ''Upper Room Baptist Church Equitable Real Property Tax Relief Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4644. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–314, ''St. Matthew's Evangelical Lutheran Church Equitable Real Property Tax Relief Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4645. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–312, ''Holy Comforter Episcopal Church, Saint Andrews Parish Equitable Real Property Tax Relief Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4646. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–311, ''Simpson-Hamline United Methodist Church Equitable Real Property Tax Relief Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4647. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–310, ''Rhema Christian Center Property Tax Relief Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4648. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–331, ''Establishment of the John A. Wilson Building Foundation Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–329, ''Juvenile Detention and Speedy Trial Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4650. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–328, ''Bicyclist Responsibility Regulation Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4651. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–327, ''Vending Site Lottery Assignment Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4652. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–326, ''Abatement of Controlled Dangerous Substances Nuisance Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4653. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–325, ''Free Clinic Assistance Program Extension Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code section 1–233 (c)(1); to the Committee on Government Reform and Oversight.

4654. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–309, ''Mortgage Lender and Broker Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233 (c)(i); to the Committee on Government Reform and Oversight.

4655. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–353, ''Tax Lien Assignment and Sale Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code section 1–233 (c)(1); to the Committee on Government Reform and Oversight.

4656. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–322, ''Expulsion of Students Who Bring Weapons Into Public Schools Temporary Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233 (c)(1); to the Committee on Government Reform and Oversight.

4657. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–323, ''Expulsion of Students Who Bring Weapons Into Public Schools Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233 (c)(1); to the Committee on Government Reform and Oversight.

4658. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–321, ''Anti-Loitering/Drug Free Zone Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4659. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–320, ''Early Intervention Services Sliding Fee Scale Establishment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4660. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–318, ''Community Development Corporations Money Lender License Tax Exemption Amendment Act of 1996'' received August 29, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4661. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–337, ''Highway Trust Fund Establishment Act and the Water and Sewer Authority Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4662. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–333, ''District of Columbia Income and Franchise Tax Act of 1947 Conformity Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4663. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–349, ''Oak Hill Youth Center Educational Contracting Temporary Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4664. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–354, ''Board of Real Property Assessments and Appeals Membership Qualification Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4665. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–347, ''Health Services

Planning Program Re-establishment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4666. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–359, ''Housing Finance Agency Loan Forgiveness Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4667. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–343, ''Council Contract Approval Modification Temporary Amendment Act of 1995 Temporary Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4668. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–342, ''International Registration Plan Agreement Temporary Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4669. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–341, ''District of Columbia Employee Viatical Settlement Temporary Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4670. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–339, ''Fire Code Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4671. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–338, ''Business Corporation Two-Year Report Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4672. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–360, ''Fiscal Year 1997 Budget Support Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4673. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–361, ''Adjustment Process for Nonviolent Juvenile Offenders and Parent Participation in Court-Ordered Proceedings Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4674. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–362, ''Commercial Counterfeiting Criminalization Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4675. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–364, ''Boating While Intoxicated Temporary Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4676. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–367, ''Medicare Supplemental Insurance Minimum Standards Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4677. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–370, ''Closing of Public Alleys and Abandonment and Establishment of Easements in Square 878, S.O. 93–58, Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4678. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–358, ''Extension of the Moratorium on Retail Service Station Conversions and the Gas Station Advisory Board Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4679. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–355, ''Holy Comforter-Saint Cyprian Roman Catholic Church Equitable Real Property Tax Relief Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4680. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled ''Financial and Administrative Audit of the LaShawn Limited and General Receiverships,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4681. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled ''Evaluation of the Management and Financial Systems for Federal Grants,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4682. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled ''Review of Implementation of the D.C. Depository Act During Fiscal Years 1994 and 1995,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4683. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled ''Review of the District of Columbia Public Schools' Official Membership Count Procedures'', pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4684. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled ''Review of Check Generation and Vendor File Procedures For Non-FMS Disbursements'', pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4685. A letter from the Comptroller General of the United States, transmitting a list of all reports issued or released in June 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

4686. A letter from the Manager, Employee Benefits/Payroll, AgriBank FCB, transmitting the annual report disclosing the financial condition of the Retirement Plan for the Employees of the Seventh Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4687. A letter from the Executive Director, Committee for Purchase From People who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 96–003] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4688. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4689. A letter from the Comptroller General of the United States, transmitting the GAO's monthly listing of new investigations, audits, and evaluations, pursuant to Public Law 102–90; to the Committee on Government Reform and Oversight.

4690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–332, ''Nonprofit Corporation Two-Year Report Amendment Act of 1996'' received September 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4691. A letter from the Senior Vice President for Business Services, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Bank of Texas Pension Plan for 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4692. A letter from the Benefits Manager for Thrift and Pension, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Bank of Texas Thrift Plus Plan for 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4693. A letter from the Vice Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

4694. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Nonappropriated Fund Employees (5 CFR Part 1620) received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4695. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Allocation of Earnings (5 CFR Part 1645) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4696. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Introduction of Miscellaneous Amendments (National Aeronautics and Space Administration) [Federal Acquisition Circular 90–41] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4697. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Information Technology Management Reform Act of 1996 (ITMRA) (National Aeronautics and Space Administration) [FAR Case 96–319] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4698. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Compliance with Immigration and Nationality Act Provisions (Interim) (National Aeronautics and Space Administration) [FAR Case 96–320] received August 6, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Government Reform and Oversight.

4699. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Federal Acquisition and Community Right-to-Know (National Aeronautics and Space Administration)

[FAR Case 95–305] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4700. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Restrictions on Certain Foreign Purchases (National Aeronautics and Space Administration) [FAR Case 95–303] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4701. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Legal Proceedings Costs (National Aeronautics and Space Administration) [FAR Case 93–010] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4702. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide (National Aeronautics and Space Administration) [FAC 90–41] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4703. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Fair & Equitable Treatment: A Progress Report on Minority Employment in the Federal Government,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

4704. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Elections of Retirement Coverage By Current and Former Nonappropriated Fund Employers (RIN: 3206–AH57) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4705. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Under the General Schedule; Locality Pay Areas for 1997 (RIN: 3206–AG88) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4706. A letter from the Secretary of Energy, transmitting notification that it is in the public interest to use other than competitive procedures to facilitate the privatization of the Western Environmental Technology Office [WETO] in Butte, MT, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

4707. A letter from the Vice Chairman, Federal Election Commission, transmitting proposed regulations governing Electronic Filing of Reports by Political Committees, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

4708. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4709. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4710. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the western Gulf of Mexico, Sale 161, scheduled to be held in September 1996, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

4711. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Beaufort Sea, Sale 144, scheduled to be held in September 1996, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

4712. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Extension of Decision on the Conditional Approval of Bismuth-Tin Shot as Nontoxic for the 1996–97 Season (RIN: 1018–AD41) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4713. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Indiana Dunes National Lakeshore, Zoning Standards (RIN: 1024–AC51) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4714. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Use of Environman and Human Figure and Design Symbol (RIN: 1024–AC50) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4715. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for Three Plants from the Island of Nihoa, Hawaii (RIN: 1018–AB88) received August 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4716. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Closure [I.D. 072996C] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4717. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Sharpchin/Northern Rockfish Species Group in the Aleutian Islands Subarea [Docket No. 960129019–6019–01] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4718. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Eastern Regulatory Area [Docket No. 960129018–6018–01] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4719. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; ''Other Rockfish'' Species Group in the Eastern Regulatory Area [Docket No. 960129018–6018–01 I.D. 072696B] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4720. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Atka Mackerel in the Central and Eastern Aleutian District and the Bering Sea Subarea [Docket No. 960129019–6019–01] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4721. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries off the West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1996 Closures [Docket No. 960401094–6183–02] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4722. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Eastern Gulf of Alaska [Docket No. 960129018–6018–01; I.D. 073196A] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4723. A letter from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 7; Open Access Nonregulated Multispecies Permit [Docket No. 960216032–6197–06; I.D. 052196A] (RIN: 0648–AH70) received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4724. A letter from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Delay of the Pollock Season [Docket No. 96063156–6204–02; I.D. 052896A] (RIN: 0648–AI58) received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4725. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Trawl Gear [Docket No. 960129019–6019–01; I.D. 061096A] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4726. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category [Docket No. 960129019–6019–01; I.D. 073096A] received August 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4727. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Addition of Akutan to List of Eligible Communities [Docket No. 960501122–6213–02; I.D. 042596A] (RIN: 0648–AI46) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4728. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Improve Individual Fishing Quota Program [Docket No. 960401095–6212–02; I.D. 032596A] (RIN: 0648–AH61) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4729. A letter from the Acting Director, Officer of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska [Docket No. 960129018–6018–01; I.D. 080596A] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4730. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from the U.S.-Canadian Border to Cape Falcon, OR [Docket No. 960126016–6121–04; I.D. 072396C] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4731. A letter from the Acting Director, Officer of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska [Docket No. 960129018–6018–01; I.D. 080596B] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4732. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District/D [Docket No. 960129019–6019–01; I.e. 080296B] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4733. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea [Docket No. 96019019–6019–01; I.D. 080296A] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4734. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from the U.S.-Canadian Border to Leadbetter Point, WA [Docket No. 960126016–6121–04; I.D. 080596D] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4735. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—International Fishing Regulations; 1996 Halibut Report No. 6 [Docket No. 960111003–6068–03; I.D. 080796A] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4736. A letter from the Acting Director, Office of Fisheries Management and Conservation, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 081496A] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4737. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Wyoming Regulatory Program [SPATS No. WY–026] received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4738. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Regulatory Program [PVA–107–FOR] received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4739. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent Fees for Fiscal Year 1997 (Patent and Trademark Office) [Docket No. 960417113–6186–02] (RIN: 0651–AA82) received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4740. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Miscellaneous Changes in Patent Practice [Docket No. 950620162–6014–02] (RIN: 0651–AA75) received August 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4741. A letter from the Executive Assistant to the Director, United States Secret Service, transmitting the Service's final rule—Color Illustrations of United States Currency (Treasury Directive No. 15–56) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4742. A letter from the Secretary of Transportation, transmitting the Department's report entitled ''Regulatory Actions Affecting Tourist Railroads,'' pursuant to Public Law 103–440, section 217 (108 Stat. 4624); to the Committee on Transportation and Infrastructure.

4743. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting a draft of proposed legislation to modify the project for inland navigation at Grays Landing Lock and Dam, Monongahela River, PA; to the Committee on Transportation and Infrastructure.

4744. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting a draft of proposed legislation to modify the project for flood control at Saw Mill Run, Pittsburgh, PA, to authorize the Secretary of the Army to construct the project at a total cost of $12,780,000; to the Committee on Transportation and Infrastructure.

4745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28621; Amdt. No. 397] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of V–2 and V–14; NY (Federal Aviation Administration) [Airspace Docket No. 95–ANE–11] (RIN: 2110–AA66) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28645; Amdt. No. 1744] (RIN: 2120–AA65) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28644; Amdt. No. 1743] (RIN: 2120–AA65) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Boone, IA (Federal Aviation Administration) [Docket No. 96–ACE–6] (RIN: 2120–AA66) (1996–0105) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Seward, NE (Federal Aviation Administration) [Docket No. 96–ACE–10] (RIN: 2120–AA66) (1996–0104) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Sioux City, IA (Federal Aviation Administration) [Docket No. 96–ACE–11] (RIN: 2120–AA66) (1996–0103) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New York, NY (Federal Aviation Administration) [Airspace Docket No. 96–AEA–03] (RIN: 2120–AA66) (1996–0109) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Libby, MT (Federal Aviation Administration) [Airspace Docket No. 96–ANM–013] (RIN: 2120–AA66) (1996–0108) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grants Pass, Oregon (Federal Aviation Administration) [Airspace Docket No. 96–ANM–012] (RIN: 2120–AA66) (1996–0107) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Menomonie, WI (Federal Aviation Administration) [Airspace Docket No. 96–AGL–4](RIN: 2120–AA66) (1996–0090) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) Models PA31, PA31–300, PA31–325, and PA31–350 Airplanes; Correction (Federal Aviation Administration) [Docket No. 90–CE–60–AD; Amendment 39–9654; AD 96–12–12] received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes, and Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–87AD; Amendment 39–9706; AD 96–15–05] (RIN: 2120–AA64) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard Model 14RF–9 Propellers (Federal Aviation Administration), [Docket No. 96–ANE–04; Amendment 39–9705, AD 96–08–01 R1] (RIN: 2120–AA64) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4759. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Anchorage Areas; Ashley River, Charleston, SC (U.S. Coast Guard) (RIN: 2115–AA98) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Facilities Transferring Oil or Hazardous Materials in Bulk (U.S. Coast Guard) [CGD 93–056] (RIN: 2115–AE59) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4761. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28658; Amdt. No. 1746] RIN: 2120–AA65) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4762. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28659; Amdt. No. 1747] RIN: 2120–AA65) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4763. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous amendments (Federal Aviation Administration) [Docket No. 28657; Amdt. No. 1745] (RIN: 2120–AA65) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4764. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Changes to Restricted Areas R–6302A, B, C, D, and E, Fort Hood, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–16] (RIN: 2120–AA66) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4765. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of class E Airspace; Coolidge, AZ (Federal Aviation Administration) [Airspace Docket No. 95–AWP–40] received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4766. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of class E Airspace; Dexter, ME (Federal Aviation Administration) [Airspace Docket No. 96–ANE–23] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4767. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model Hawker 1000 and BAe 125–1000A Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–54–AD; Amendment 39–9718; AD 96–17–09] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4768. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech Model 400, 400A, MU–300–10, and 2000 Airplanes, and Model 200, B200, 300, and B300 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–255–AD; Amendment 39–9719; AD 96–17–10] (RIN 2120–AA64) received August 19, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

4769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Corporation Model 1900D Airplanes [Docket No. 96–CE–41–AD; Amendment 39–9720; AD 96–15–01] (RIN 2120–AA64) received August 19, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

4770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–241–AD; Amendment 39–9715; AD 96–17–06] (RIN: 2120–AA64) Received August 19, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

4771. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes Equipped with Swivel-Type Bogie Beams on the Main Landing Gears (Federal Aviation Administration) [Docket No. 95–NM–115–AD; Amendment 39–9716; AD 96–17–07] (RIN: 2120–AA64) received August 19, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

4772. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –40 and KC–10A (Military) Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–177–AD; Amendment 39–9717; AD 96–17–08] received August 19, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

4773. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. Model T5313B Turboshaft Engines (Federal Aviation Administration) [Docket No. 96–ANE–21; Amendment 39–9709, AD 96–17–01] (RIN: 2120–AA64) received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4774. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oxford, ME (Federal Aviation Administration) [Airspace Docket No. 96–ANE–22] received August 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–192–AD; Amendment 39–9711; AD 96–17–03] (RIN: 2120–AA64) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4776. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF–6–80C2 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–16; Amendment 39–9707, AD 96–16–07] (RIN: 2120–AA64) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4777. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; TX (Federal Aviation Administration) [Airspace Docket No. 93–ASW–4] (RIN: 2120–AA66) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4778. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways, TX (Federal Aviation Administration) [Airspace Docket No. 93–ASW–5] (RIN: 2120–AA66) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4779. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Menomonie, WI (Federal Aviation Administration) [Airspace Docket No. 96–AGL–4] received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4780. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–100 and–200 Series Airplanes With a Main Desk Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA1797SO (Federal Aviation Administration) [Docket No. 96–NM–157–AD; Amendment 39–9708; AD 96–16–08] (RIN: 2120–AA64) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4781. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–4–AD; Amendment 39–9712; AD 96–17–04] (RIN: 2120–AA64) received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4782. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–195–AD; Amendment 39–9710; AD 96–17–02] received August 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; TX [Airspace Docket No. 93–ASW–4] (RIN: 2120–AA66) received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4784. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; TX [Airspace Docket No. 93–ASW–5] (RIN: 2120–AA66) received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4785. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors (formerly Bendix) S–20, S–1200, D–2000, and D–3000 Series Magnetos (Federal Aviation Administration) [Docket No. 93–ANE–07; Amendment 39–9649; AD 96–12–07] received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4786. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. HC–B3TN, HC–B5MP, HC–E4A, and HC–D4N Series Propellers (Federal Aviation Administration) [Docket No. 96–ANE–18; Amendment 39–9697; AD 96–15–04] received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation entitled ''Railroad Unemployment Insurance Act Debt Collection Improvement Act of 1996''; to the Committee on Transportation and Infrastructure.

4788. A letter from the Assistant Secretary (Civil Works), the Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army dated November 15, 1994, submitting a report with accompanying papers and illustrations (H. Doc. No. 104–257); to the Committee on Transportation and Infrastructure and ordered to be printed.

4789. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Appeals Regulations, Rules of Practice: Hearings before the Board of Veterans' Appeals at Department of Veterans Affairs Field Facilities (RIN: 2900–AI11) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4790. A communication from the President of the United States, transmitting notification of the designations of Marcia E. Miller as Chair and Lynn M. Bragg as Vice Chair of the U.S. International Trade Commission, effective August 5, 1996, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

4791. A letter from the Attorney-Advisor and Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Depositaries for Federal Taxes (RIN: 1510–AA54) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4792. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Date Extension for Certain Payors Revising Their Substitute Forms W–9 (Announcement 96–77) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4793. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time for Performance of Acts Where Last Day Falls on Saturday, Sunday, or Legal Holiday [TD 8681] (RIN: 1545–AT22) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4794. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Revenue Procedure 96–43) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4795. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Salvage Discount Factors for Each Property and Casualty Line of Business for the 1996 Accident Year (Revenue Procedure 96–45) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4796. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Payment Patterns and Discount Factors for the 1996 Accident Year (Revenue Procedure 96–44) received August 21, 1996, pursuant to 5 U.S.C. 8019(a)(1)(A); to the Committee on Ways and Means.

4797. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96–43) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4798. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Reduction of Reporting Requirements for the State Systems Advance Planning Document (APD) Process (RIN: 0970–AB46) received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4799. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Emissions Standards for Imported Nonroad Engines (RIN: 1515–AB94) received August 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4800. A letter from the Chairman, U.S. International Trade Commission, transmitting the 47th report on the operation of the U.S. trade agreements program during 1995, pursuant to 19 U.S.C. 2213(b); to the Committee on Ways and Means.

4801. A letter from the Comptroller General of the United States, transmitting the Comptroller General's report on GAO employees detailed to congressional committees as of July 19, 1996, pursuant to Public Law 101–520; jointly, to the Committees on Appropriations and Government Reform and Oversight.

4802. A letter from the Secretary of Energy, transmitting the third annual report on building energy efficiency standards activities, pursuant to Public Law 102–486, section 101(a) (106 Stat. 2786); jointly, to the Committee on Commerce and Transportation and Infrastructure.

4803. A letter from the Chair of the Board, Office of Compliance, transmitting a notice for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4804. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Class Exemption to Permit the Restoration of Delinquent Participant Contributions to Plans [Application No. D–10218] received August 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Economic and Educational Opportunities.

4805. A letter from the Secretary of Health and Human Services, transmitting the Department's recommendations for the calendar year 1997 physician fee schedule update and fiscal year 1997 Medicare Volume Performance Standards, pursuant to Public Law 101–239, section 6102(a) (103 Stat. 2176); jointly, to the Committees on Ways and Means and Commerce.

4806. A letter from the Secretary of Energy, transmitting a comprehensive report on the Clean Coal Technology Program entitled ''Clean Power from Integrated Coal/Ore Reduction (CPICOR),'' pursuant to Public Law 102–154; jointly, to the Committees on Commerce, Science, and Appropriations.

4807. A letter from the Secretary of Defense, transmitting the second fiscal year 1995 semiannual report on program activities to facilitate weapons destruction and nonproliferation in the former Soviet Union, pursuant to 22 U.S.C. 5956; jointly, to the Committees on International Relations, Appropriations, and National Security.

4808. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with Medicare reimbursement for Medicare health-care services provided to certain Medicare-eligible veterans; jointly, to the Committees on Veterans' Affairs, Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2135. A bill to provide for the correction of boundaries of certain lands in Clark County, NV, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; with amendments (Rept. 104–755). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 401. A bill entitled the ''Kenai Natives Association Equity Act'', with an amendment (Rept. 104–756). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2107. A bill to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, and for other purposes; with an amendment (Rept. 104–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1179. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black college and universities; with an amendment (Rept. 104–758). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3547. A bill to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; with an amendment (Rept. 104–759). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3147. A bill to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management of certain non-Federal lands, and for other purposes; with an amendment (Rept. 104–760). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2711. A bill to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale (Rept. 104–761, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2710. A bill to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe; with an amendment (Rept. 104–762). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2709. A bill to provide the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, with an amendment (Rept. 104–763). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2518. A bill to authorize the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, WA, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes; with an amendment (Rept. 104–764). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2512. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes; with amendments (Rept. 104–765). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2438. A bill to provide for the conveyance of lands to certain individuals in Gunnison County, CO, and for other purposes; with an amendment (Rept. 104–766). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3642. A bill to provide for the transfer of public lands to certain California Indian Tribes (Rept. 104–767). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3903. A bill to require the Secretary of the Interior to sell the Sly Park Dam and Reservoir, and for other purposes; with an amendment (Rept. 104–768).

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1467. A act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes; with an amendment (Rept. 104–769). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3910. A bill to provide emergency drought relief to the city of Corpus Christi, TX, and the Canadian River Municipal Water Authority, Texas, and for other purposes; with an amendment (Rept. 104–770). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3537. A bill to improve coordination of Federal Oceanographic programs; with an amendment (Rept. 104–771, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2122. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; with an amendment (Rept. 104–772, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 516. Resolution providing for consideration of the bill (H.R. 3719) to amend the Small Business Act and the Small Business Investment Act of 1958 (Rept. 104–773). Referred to the House Calendar.

Mr. SOLOMON. Committee on Rules. House Resolution 517. Resolution providing for consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes (Rept. 104–774). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 2122 referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 3056. A bill to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2122. Referral to the Committee on Agriculture extended for a period ending not later than September 4, 1996.

H.R. 3537. Referral to the Committees on National Security and Science extended for a period ending not later than October 4, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 4018. A bill to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982; to the Committee on Resources.

By Mr. BILBRAY:

H.R. 4019. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. CUBIN:

H.R. 4020. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as Devils Tower; to the Committee on Resources.

By Mr. NEY (for himself and Mr. TRAFICANT):

H.R. 4021. A bill to authorize the Secretary of the Army to convey certain real properties of the Corps of Engineers in the State of Ohio to local governments of the State of Ohio; to the Committee on Transportation and Infrastructure.

By Mr. STARK;

H.R. 4022. A bill to amend title XVIII of the Social Security Act to reduce the Medicare payment for general overhead costs of transplant centers in acquiring organs for transplant from organ procurement organizations; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. KNOLLENBERG, Mr. UPTON, Mr. BARCIA of Michigan, Ms. RIVERS, Mr. CHRYSLER, Mr. LEVIN, Mr. EHLERS, Mr. HOEKSTRA, and Mr. DINGELL):

H.R. 4023. A bill to amend act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore to permit certain persons to continue to use and occupy certain areas within the lakeshore, and for other purposes; to the Committee on Resources.

By Mr. MOORHEAD:

H.J. Res. 189. Joint resolution granting the consent of Congress to the Interstate Insurance Receivership Compact; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKEY:

H.R. 4024. A bill to require approval of an application for compensation for the death of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. FORBES:

H.R. 4025. A bill for the relief of the estate of Gail E. Dobert; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BROWN of California and Ms. MCKINNEY.

H.R. 488: Mr. MARKEY and Mr. GILCHREST.

H.R. 540: Mr. MANZULLO.

H.R. 573: Mr. EVANS.

H.R. 863: Mr. COYNE.

H.R. 941: Mr. GILMAN and Ms. DELAURO.

H.R. 972: Mr. BARRETT of Nebraska and Mr. COMBEST.

H.R. 1073: Mr. MCHUGH, Mr. MASCARA, Mr. KOLBE, Mr. FORBES, and Mr. GILMAN.

H.R. 1074: Mr. MCHUGH, Mr. LEWIS of Georgia, Mr. MASCARA, Mr. KOLBE, Mr. FORBES, Mr. GILMAN, and Mr. COBURN.

H.R. 1078: Mr. LEWIS of Georgia.

H.R. 1100: Ms. NORTON, Mr. BLUMENAUER, Ms. DELAURO, Mr. ORTON, and Mr. GREEN of Texas.

H.R. 1363: Mr. LIPINSKI.

H.R. 1406: Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. BURTON of Indiana, and Mr. PASTOR.

H.R. 1884: Mr. BROWN of California.

H.R. 2011: Mr. BARCIA of Michigan, Mr. DOYLE, Mr. NORWOOD, and Mr. HOBSON.

H.R. 2200: Mr. SMITH of Texas and Mr. SCARBOROUGH.

H.R. 2209: Mr. BAKER of Louisiana, Mr. SAWYER, Mr. GUNDERSON, Ms. KAPTUR, and Mr. NEAL of Massachusetts.

H.R. 2247: Mr. LEACH.

H.R. 2579: Mr. CUMMINGS.

H.R. 2654: Mr. MARTINEZ.

H.R. 2748: Mr. GILMAN, Mr. HINCHEY, Mr. BROWN of California, and Mr. LANTOS.

H.R. 2751: Ms. BROWN of Florida.

H.R. 2827: Ms. FURSE.

H.R. 2864: Mr. BEREUTER.

H.R. 2900: Mr. DEAL of Georgia, Mr. GUTKNECHT, Mr. MORAN, Mr. CRAMER, Mr. SANDERS, Mr. TRAFICANT, Mr. BARR, and Mr. BROWNBACK.

H.R. 2943: Mr. PETRI.

H.R. 3012: Mr. HINCHEY, Mr. STOKES, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Ms. ESHOO, Mr. DIXON, Mr. HUTCHINSON, and Mr. CREMEANS.

H.R. 3067: Mr. BILBRAY.

H.R. 3077: Mr. MCCOLLUM, Mr. WELLER, and Mr. LEACH.

H.R. 3119: Mr. HINCHEY.

H.R. 3123: Mr. STEARNS.

H.R. 3178: Ms. MILLENDER-MCDONALD and Mr. MATSUI.

H.R. 3226: Mr. PAYNE of New Jersey, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. BRYANT of Texas, Mr. PALLONE, Mr. METCALF, Mr. QUINN, Mr. FRANK of Massachusetts, and Mr. CLEMENT.

H.R. 3307: Mr. STENHOLM.

H.R. 3385: Mr. COBLE.

H.R. 3393: Mr. NADLER.

H.R. 3401: Mr. LANTOS, Mr. BAKER of Louisiana, and Mr. DEUTSCH.

H.R. 3427: Mr. BLUTE.

H.R. 3447: Mr. MCCOLLUM and Mr. BILIRAKIS.

H.R. 3460: Mr. PICKETT.

H.R. 3565: Mr. BAKER of Louisiana, Mr. KLUG, and Mr. OXLEY.

H.R. 3580: Mr. BEREUTER and Mr. SMITH of Texas.

H.R. 3591: Mr. WAXMAN, Mr. BROWN of California, Mr. FILNER, Mr. MARTINEZ, and Mr. FAZIO of California.

H.R. 3631: Mr. TOWNS, Mr. BENTSEN, Mr. THOMPSON, Mr. COLEMAN, Mr. DEUTSCH, Mr. PORTER, Mr. DICKS, Mr. CLAY, Mr. HERGER, and Mr. QUILLEN.

H.R. 3652: Mr. SHAYS, Mr. DELLUMS, and Mr. STARK.

H.R. 3688: Mr. FAZIO of California.

H.R. 3714: Mr. MENENDEZ, Mr. MINGE, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. STUPAK, Mr. FAZIO of California, Mr. STUMP, Mr. OLVER, Mr. FILNER, Mr. GEJDENSON, Mr. LAFALCE, Mr. HOBSON, and Mr. WILLIAMS.

H.R. 3724: Mr. BAKER of Louisiana.

H.R. 3747: Mr. CLYBURN, Ms. NORTON, and Mr. FRAZER.

H.R. 3748: Ms. FURSE, Mr. FATTAH, Mr. BALDACCI, and Mr. ROMERO-BARCELO.

H.R. 3784: Mr. ZIMMER.

H.R. 3793: Mr. ACKERMAN.

H.R. 3839: Mr. LANTOS and Mr. DOYLE.

H.R. 3852: Mr. FAZIO of California, Mr. COBLE, Mr. CANADY, Mr. NETHERCUTT, and Mr. SOLOMON.

H.R. 3896: Mr. ACKERMAN.

H.R. 3908: Mr. HEINEMAN.

H.R. 3917: Mr. STARK, Mr. BEILENSON, Ms. LOFGREN, Mr. LEWIS of Georgia, Mrs. LOWEY, and Mr. SCHUMER.

H.R. 3920: Ms. FURSE, Mr. SANDERS, and Mr. DEFAZIO.

H.R. 3928: Mr. FARR.

H.R. 3942: Mr. ROEMER, Mr. RAHALL, Mr. NORWOOD, Mr. STUPAK, Mr. HAMILTON, and Mr. WISE.

H.R. 3963: Mr. BAKER of Louisiana, Mr. BEREUTER, and Mr. BENTSEN.

H.R. 4011: Mr. COLLINS of Georgia, Mr. MARTINI, Mr. BASS, Mr. BARRETT of Nebraska, Mr. GANSKE, Mr. KOLBE, and Ms. DUNN of Washington.

H.J. Res. 174: Mr. TATE.

H. Con. Res. 120: Mr. LANTOS and Mr. MANTON.

H. Con. Res. 199: Mr. BROWN of California, Ms. NORTON, Mrs. MINK of Hawaii, Mr. FILNER, Mr. ACKERMAN, Mr. HILLIARD and Mr. DAVIS.

H. Res. 413: Mr. HUTCHINSON.

H. Res. 515: Mr. HALL of Ohio, Mr. FRANKS OF NEW JERSEY, Mr. FROST, Mr. CUNNINGHAM, Mr. DAVIS, Mr. MANZULLO, and Mr. STEARNS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3719

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 1: Page 7, line 24, strike ''3'' and insert ''7''.

Page 9, line 8, strike ''after August 1, 1996''.

Page 9, line 11, after ''lenders'' insert ''unless the Administrator determines that the lender, on a case by case basis, has undertaken other agreements which retain an acceptable exposure to loss by the lender in the event of default of a loan being securitized''.

H.R. 3719

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 2: Page 17, line 9, after ''percent'' insert ''but not to exceed 6 per centum per annum''.

H.R. 3719

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 3: Page 33, line 18, strike ''0.8125'' and insert ''0.9375''.

H.R. 3719

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 4: Page 37, strike lines 17 and 18 and insert the following:

''(3) have a minimum of 2 years experience, in liquidating''.

Page 38, line 5, after ''funds'' insert '', subject to such company obtaining prior written approval from the Administrator before committing the agency to purchase any other indebtedness secured by the property''.

Page 38, line 8, after ''practices'' insert ''pursuant to a liquidation plan approved by the Administrator in advance of its implementation''.

H.R. 3719

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 5: Page 42, after line 8 insert the following:

SEC. 207. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5) (15 U.S.C. 662(5)) is amended by inserting before the semicolon the following: '', except that, for the purposes of this Act, an investment by a venture capital firm, investment company (including a small business investment company) employee welfare benefit plan or pension plan, or trust, foundation, or endowment that is exempt from Federal income taxation—

''(A) shall not cause a business concern to be deemed not independently owned and operated;

''(B) shall be disregarded in determining whether a business concern satisfies size standards established pursuant to section 3(a)(2) of the Small Business Act; and

''(C) shall be disregarded in determining whether a small business concern is a smaller enterprise''.

(b) PRIVATE CAPITAL.—Section 103(9) (15 U.S.C. 662(9)) is amended to read as follows:

''(9) the term 'private capital'—

''(A) means the sum of—

''(i) the paid-in capital and paid-in surplus of a corporate licensee, the contributed capital of the partners of a partnership licensee, or the equity investment of the members of a limited liability company licensee; and

''(ii) unfunded binding commitments, from investors that meet criteria established by the Administrator, to contribute capital to the licensee; provided that such unfunded commitments may be counted as private capital for purposes of approval by the Administrator of any request for leverage, but leverage shall not be funded based on such commitments; and

''(B) does not include any—

''(i) funds borrowed by a licensee from any source;

''(ii) funds obtained through the issuance of leverage; or

''(iii) funds obtained directly or indirectly from any Federal, State, or local government, or any government agency or instrumentality, except for—

''(I) funds invested by an employee welfare benefit plan or pension plan; and

''(II) any qualified nonprivate funds (if the investors of the qualified nonprivate funds do not control, directly or indirectly, the management, board of directors, general partners, or members of the licensee);''.

(c) NEW DEFINITIONS.—Section 103 (15 U.S.C. 662) is amended by striking paragraph (10) and inserting the following:

''(10) the term 'leverage' includes—

''(A) debentures purchased or guaranteed by the Administration;

''(B) participating securities purchased or guaranteed by the Administration; and

''(C) preferred securities outstanding as of October 1, 1996;

''(11) the term 'third party debt' means any indebtedness for borrowed money, other than indebtedness owed to the Administration;

''(12) the term 'smaller enterprise' means any small business concern that, together with its affiliates—

''(A) has—

''(i) a net financial worth of not more than $6,000,000, as of the date on which assistance is provided under this Act to that business concern; and

''(ii) an average net income for the 2-year period preceding the date on which assistance is provided under this Act to that business concern, of not more than $2,000,000, after Federal income taxes (excluding any carryover losses); or

''(B) satisfies the standard industrial classification size standards established by the Administration for the industry in which the small business concern is primarily engaged;

''(13) the term 'qualified nonprivate funds' means any—

''(A) funds directly or indirectly invested in any applicant or licensee on or before August 16, 1982, by any Federal agency, other than the Administration, under a provision of law explicitly mandating the inclusion of those funds in the definition of the term 'private capital';

''(B) funds directly or indirectly invested in any applicant or licensee by any Federal agency under a provision of law enacted after September 4, 1992, explicitly mandating the inclusion of those funds in the definition of the term 'private capital'; and

''(C) funds invested in any applicant or licensee by one or more State or local government entities (including any guarantee extended by those entities) in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee;

''(14) the terms 'employee welfare benefit plan' and 'pension plan' have the same meanings as in section 3 of the Employee Retirement Income Security Act of 1974, and are intended to include—

''(A) public and private pension or retirement plans subject to such Act; and

''(B) similar plans not covered by such Act that have been established and that are maintained by the Federal Government or any State or political subdivision, or any agency or instrumentality thereof, for the benefit of employees;

''(15) the term 'member' means, with respect to a licensee that is a limited liability company, a holder of an ownership interest or a person otherwise admitted to membership in the limited liability company; and

''(16) the term 'limited liability company' means a business entity that is organized and operating in accordance with a State limited liability company statute approved by the Administration.''.

SEC. 208. ORGANIZATION OF SMALL BUSINESS INVESTMENT COMPANIES.

(a) LIMITED LIABILITY COMPANIES.—Section 301(a) (15 U.S.C. 681(a)) is amended in the first sentence, by striking ''body or'' and inserting ''body, a limited liability company, or''.

(b) ISSUANCE OF LICENSE.—Section 301(c) (15 U.S.C. 681(c)) is amended to read as follows:

''(c) ISSUANCE OF LICENSE.—

''(1) SUBMISSION OF APPLICATION.—Each new applicant for a license to operate as a small business investment company under this Act shall submit to the Administrator an application, in a form and including such documentation as may be prescribed by the Administrator.

''(2) PROCEDURES.—

''(A) STATUS.—Not later than 90 days after the initial receipt by the Administrator of an application under this subsection, the Administrator shall provide the applicant with a written report detailing the status of the application and any requirements remaining for completion of the application.

''(B) APPROVAL OR DISAPPROVAL.—Within a reasonable time after receiving a completed application submitted in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

''(i) approve the application and issue a license for such operation to the applicant if

the requirements of this section are satisfied; or

''(ii) disapprove the application and notify the applicant in writing of the disapproval.

''(3) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Administrator—

''(A) shall determine whether—

''(i) the applicant meets the requirements of subsections (a) and (c) of section 302; and

''(ii) the management of the applicant is qualified and has the knowledge, experience, and capability necessary to comply with this Act;

''(B) shall take into consideration—

''(i) the need for and availability of financing for small business concerns in the geographic area in which the applicant is to commence business;

''(ii) the general business reputation of the owners and management of the applicant; and

''(iii) the probability of successful operations of the applicant, including adequate profitability and financial soundness; and

''(C) shall not take into consideration any projected shortage or unavailability of leverage.

''(4) EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator may, in the discretion of the Administrator and based on a showing of special circumstances and good cause, approve an application and issue a license under this subsection with respect to any applicant that—

''(i) has private capital of not less than $3,000,000;

''(ii) would otherwise be issued a license under this subsection, except that the applicant does not satisfy the requirements of section 302(a); and

''(iii) has a viable business plan reasonably projecting profitable operations and a reasonable timetable for achieving a level of private capital that satisfies the requirements of section 302(a).

''(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph shall not be eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a).''.

(c) REPORT ON SMALLER BUSINESS INVESTMENT COMPANIES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall, after consultation with smaller small business investment companies, submit to the Committees on Small Business of House of Representatives and the Senate, a report on the feasibility of permitting smaller debt oriented small business investment companies to establish a separate corporate entity that would be authorized to participate in the loan program authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)). The report shall include information regarding eligibility, capitalization, and audit and regulatory oversight matters.

SEC. 209. CAPITAL REQUIREMENTS.

(a) INCREASED MINIMUM CAPITAL REQUIREMENTS.—Section 302(a) (15 U.S.C. 682(a)) is amended by striking ''(a)'' and all that follows through ''The Administration shall also determine the ability of the company,'' and inserting the following:

''(a) AMOUNT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the private capital of each licensee shall be not less than—

''(A) $2,500,000; or

''(B) $5,000,000, with respect to each licensee authorized or seeking authority to issue participating securities to be purchased or guaranteed by the Administration under this Act.

''(2) ADEQUACY.—In addition to the requirements of paragraph (1), the Administrator shall—

''(A) determine whether the private capital of each licensee is adequate to assure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles; and

''(B) determine that the licensee will be able''.

(b) EXEMPTION FOR CERTAIN LICENSEES.—Section 302(a) (15 U.S.C. 682(a)) is amended by adding at the end the following new paragraph:

''(4) EXEMPTION FROM CAPITAL REQUIREMENTS.—Any company licensed under subsection (c) or (d) of section 301 before the date of enactment of the Small Business Programs Improvement Act of 1996 shall be exempt from the capital requirements in paragraph (1): *Provided,* That any such company shall be eligible to apply for leverage from the Administration only if—

''(A) the licensee certifies in writing that not less than 50 percent of the aggregate dollar amount of its financings after the date of enactment of the Small Business Investment Company Improvement Act of 1996 will be provided to smaller enterprises; and

''(B) the Administrator determines that—

''(i) the licensee has been profitable for three of the last four years, and for the average of all four years;

''(ii) the licensee is not committing a continuing violation of a major regulation of the Administration; and

''(iii) such action would not create or otherwise contribute to an unreasonable risk of default or loss to the United States Government.

And, *Provided further,* That any such company may apply for leverage to refinance a maturing debenture without regard to the profitability requirements in clause (i) above.''.

(c) DIVERSIFICATION OF OWNERSHIP.—Section 302(c) (15 U.S.C. 682(c)) is amended by adding the following new subsection:

''(d) DIVERSIFICATION OF OWNERSHIP.—The Administrator shall ensure that the management of each licensee applying for a license after the date of enactment of the Small Business Investment Company Improvement Act of 1996 is sufficiently diversified from and unaffiliated with the ownership of the licensee in a manner that ensures independence and objectivity in the financial management and oversight of the investments and operations of the licensee.''.

SEC. 210. BORROWING.

(a) DEBENTURES.—Section 303(b) (15 U.S.C. 683(b)) is amended in the first sentence, by striking ''(but only'' and all that follows through ''terms)''.

(b) THIRD PARTY DEBT.—Section 303(b) (15 U.S.C. 683(b)) is amended by adding the following new subsections:

''(5) THIRD PARTY DEBT.—The Administrator—

''(1) shall not permit a licensee having outstanding leverage to incur third party debt that would create or contribute to an unreasonable risk of default or loss to the Federal Government; and

''(2) shall permit such licensees to incur third party debt only on such terms and subject to such conditions as may be established by the Administrator, by regulation or otherwise.''.

''(6) REQUIREMENT TO FINANCE SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 20 percent of the aggregate dollar amount of the financings of the licensee will be provided to smaller enterprises.''.

''(7) CAPITAL IMPAIRMENT.—Before approving any application for leverage submitted by a licensee under this Act, the Administrator—

''(1) shall determine that the private capital of the licensee meets the requirements of section 302(a); and

''(2) shall determine, taking into account the nature of the assets of the licensee, the amount and terms of any third party debt owed by such licensee, and any other factors determined to be relevant by the Administrator, that the private capital of the licensee has not been impaired to such an extent that the issuance of additional leverage would create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government.''.

(e) EQUITY INVESTMENT REQUIREMENT.—Section 303(g)(4) (15 U.S.C. 683(g)(4)) is amended by striking ''and maintain''.

(f) FEES.—Section 303 (15 U.S.C. 683) is amended—

(1) in subsection (b), in the fifth sentence, by striking ''1 per centum,'' and all that follows before the period at the end of the sentence and inserting the following: ''1 percent, plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'';

(2) in subsection (g)(2), by striking ''1 per centum,'' and all that follows before the period at the end of the paragraph and inserting the following: ''1 percent, plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration''; and

(3) by adding at the end the following new subsections:

''(i) LEVERAGE FEE.—With respect to leverage granted by the Administration to a licensee, the Administration shall collect from the licensee a nonrefundable fee in an amount equal to 3 percent of the face amount of leverage granted to the licensee, payable upon the earlier of the date of entry into any commitment for such leverage or the date on which the leverage is drawn by the licensee.

''(j) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administration under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures and participating securities under this Act, except that the Administration is authorized to continue to use for the payment of salaries such commitment fees as are being collected by the Administration on the effective date of the Small Business Investment Company Reform Act of 1996.''.

(g) REPEALER.—The amendments made by subsection 210(f) of the Small Business Programs Improvement Act of 1996 shall be effective as to leverage approved on or after October 1, 1996 and shall cease to be effective for financings approved on or after October 1, 1997.

SEC. 211. LIABILITY OF THE UNITED STATES.

Section 308(e) (15 U.S.C. 687(e)) is amended by striking ''Nothing'' and inserting ''Except as expressly provided otherwise in this Act, nothing''.

SEC. 212. EXAMINATIONS; VALUATIONS.

(a) EXAMINATIONS.—Section 310(b) (15 U.S.C. 687b(b)) is amended in the first sentence by inserting ''which may be conducted with the assistance of a private sector entity that has both the qualifications to conduct and expertise in conducting such examinations,'' after ''Investment Division of the Administration,''.

(b) VALUATIONS.—Section 310(d) (15 U.S.C. 687b(d)) is amended to read as follows:

''(d) VALUATIONS.—

''(1) FREQUENCY OF VALUATIONS.—

''(A) IN GENERAL.—Each licensee shall submit to the Administrator a written valuation of the loans and investments of the licensee not less often than semiannually or otherwise upon the request of the Administrator, except that any licensee with no leverage outstanding shall submit such valuations annually, unless the Administrator determines otherwise.

''(B) MATERIAL ADVERSE CHANGES.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the aggregate valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change.

''(C) INDEPENDENT CERTIFICATION.—

''(i) IN GENERAL.—Not less than once during each fiscal year, each licensee shall submit to the Administrator the financial statements of the licensee, audited by an independent certified public accountant approved by the Administrator.

''(ii) AUDIT REQUIREMENTS.—Each audit conducted under clause (i) shall include—

''(I) a review of the procedures and documentation used by the licensee in preparing the valuations required by this section; and

''(II) a statement by the independent certified public accountant that such valuations were prepared in conformity with the valuation criteria applicable to the licensee established in accordance with paragraph (2).

''(2) VALUATION CRITERIA.—Each valuation submitted under this subsection shall be prepared by the licensee in accordance with valuation criteria, which shall—

''(A) be established or approved by the Administrator; and

''(B) include appropriate safeguards to ensure that the noncash assets of a licensee are not overvalued.''.

SEC. 213. TRUSTEE OR RECEIVERSHIP OVER LICENSEES.

(a) FINDING.—It is the finding of the Congress that increased recoveries on assets in liquidation under the Small Business Investment Act of 1958 are in the best interests of the Federal Government.

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''Administration'' means the Small Business Administration; and

(3) the term ''licensee'' has the same meaning as in section 103 of the Small Business Investment Act of 1958.

(c) LIQUIDATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after date of enactment of this Act, the Administrator shall submit to the Committees on Small Business of the Senate and the House of Representatives a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation, including assets of licensees in receivership or in trust held by or under the control of the Administration or its agents.

(2) CONTENTS.—The plan submitted under paragraph (1) shall include a timetable for liquidating the liquidation portfolio of small business investment company assets owned by the Administration, and shall contain the Administrator's findings and recommendations on various options providing for the fair and expeditious liquidation of such assets within a reasonable period of time, giving due consideration to the option of entering into one or more contracts with private sector entities having the capability to carry out the orderly liquidation of similar assets.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the activities and expenditures of the receiver's agents employed by or under contract with the Investment Division of the Small Business Administration. The report shall detail the qualifications and experience of the receiver's agents, their billing practices and procedures, expenses, costs, overhead, and use of outside contractors or attorneys.

SEC. 214. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended in subsection (a) of section 303 by striking ''debenture bonds'' and inserting ''securities,'' and by striking subsection (f) and redesignating subsequent subsections accordingly.

H.R. 3719

OFFERED BY: MRS. MEYERS OF KANSAS

AMENDMENT NO. 6: Title II, Section 202 is amended as follows:

On page 33, line 15, Strike ''0.8125'' and insert ''0.9375''.

Title I, Section 103 is amended as follows:

On page 7, line 24, by striking ''3 business days'', and inserting ''5 business days''.

Title I, Section 103 is amended as follows:

On page 9, strike lines 1 through 11, and insert the following:

''is amended by adding at the end the following: ''The Administration may not prohibit a lender from securitizing the non-guaranteed portion of any loan made under section 7(a) solely due to the status of the lender as a depository or non-depository institution. In order to reduce the risk of loss to the government in the event of default, the Administration may require any lender securitizing the non-guaranteed portion of any loan to retain exposure of up to ten percent of the amount of the loan.''.

Title I, Section 104 is amended as follows:

On page 16, by striking line 23, and inserting the following:

''shall be—(a) in the case of a homeowner, or business, or''

On page 17, line 9, by striking the period, inserting a semicolon, and adding the following:

''(b) in the case of a homeowner, or business or other concern, including agricultural cooperatives able to obtain credit elsewhere, at the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed one percent per annum as determined by the Administrator, and adjusted to the nearest ⅛ of one percent.''.

H.R. 3719

OFFERED BY: MR. TALENT

AMENDMENT NO. 7: Page 9, line 4, before the period insert ''solely on the status of the lender as a depository institution'';

Page 9, line 5, strike ''shall require all'' and insert ''may require'';

Page 9, line 8, strike ''August 1'' and insert ''October 1''; and

Page 9, line 9, strike '', which percentage shall be applicable uniformly to both depository institutions and other lenders''.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, SEPTEMBER 4, 1996 No. 119

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our loving Heavenly Father, thank You for Your gracious care of each of us. Your loving hand is upon us seeking to assure us and direct our steps. Help us to be sensitive to every guiding nudge of Your direction. We face great challenges and even greater opportunities. Help us to be positive, creative thinkers today. Keep us from quickly making up our minds and then seeking Your approval for our decisions and actions. We do not have all the answers, so give us a spirit of true humility that constantly seeks to apply Your truth to the issues before us. Save us from the frustration and exhaustion of rushing up self-determined paths without Your guidance. Give us insight to see Your path and the patience and the endurance to walk in it with our hands firmly held by Yours. You have promised never to leave or forsake us, so we walk on with hope in our hearts. In the name of the Way, the Truth, and the Light. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning the Senate will resume consideration of the VA–HUD appropriations bill. There is a pending committee amendment which I understand will need a short-time limitation for debate prior to a vote. I hope we will reach a consent agreement shortly with respect to that amendment so that all Members can be notified as to when the first rollcall vote can be expected.

Additionally, I ask for the cooperation of all Senators who have amendments to this measure, to be available during the day so that we may dispose of those amendments and complete action on the VA–HUD appropriations bill during today's session. Also, the Senate may consider a resolution regarding the current situation in Iraq. Therefore, Senators should be prepared for rollcall votes throughout the day. As a reminder, the Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

Mr. President, I do wish to commend the distinguished Senator from Maryland for her work yesterday. I know she and the chairman of the subcommittee, the Senator from Missouri [Mr. BOND], did some preliminary statements and disposed of some work that could be accomplished, and that is very positive. I appreciate their time.

I think it is only fair and respectful of the two leaders of this subcommittee that the Members come over here and offer their amendments and let us do our work. I hope that the two Senators who have worked so hard on this good legislation do not have to stand here and look at each other without some action taking place. As pleasant as that may be, I know instead they would like to be dealing with Senators who have legitimate amendments that may be offered.

I understand there are three or four serious amendments that have to be offered and debated and probably voted on. Some others hopefully can be worked out. But we must keep our eye on the ball. The thing that we have to get done this week and for the next couple of weeks is these appropriations bills. It is the Senate's responsibility. Right after this bill, we will go in short order to Interior appropriations and then Treasury-Postal Service next week, and hopefully then I guess the Commerce-State-Justice appropriations bill, and finally Labor-HHS.

It is my intent, with the cooperation of the Democratic leader and all of our colleagues, to get through all of these appropriations bills in an expeditious manner. In order to do that, we are not going to be able to bring up a lot of other bills that do not have very tight time agreements, maybe not even if they do have time agreements. Until we complete these appropriations bills, I am going to do everything I can to limit the distractions, including issues that may cause us to start tangling with each other unnecessarily, so that we can hopefully have a spirit of cooperation and dedication in getting this work done.

I want to reiterate what I read in my opening statement. We did not get a response until 6:30 Monday afternoon in terms of some language perhaps that we could work out on the Iraqi situation. The appropriate Senators now are involved. Staff members are working. We hope we can get something worked out. We cannot give 2, 3, 4 hours to a resolution of this nature. Hopefully, we can come to something that is agreed to and bipartisan, and we can just have a vote that would be unanimous and move forward. But I am working in good faith to try to accomplish that.

I want to plead again to Senators. Come on over and do the work. These two Senators were jerked around considerably before the recess because they were ready to go, and we indicated that we were going to go to their bill before the August recess. We did not get to it. But now we are here, and they are doing good work. Let us give them our cooperation and get this bill done.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Maryland.

Ms. MIKULSKI. I thank the majority leader for his very kind words about the way we have tried to move the bill. We, too, urge our colleagues to come over, particularly those who now have an amendment that they wish to bring to the floor. We were open for business yesterday, did 4 hours of very good, yeoman work. I think both sides of the aisle want to move the bill. We would like to concentrate on the major amendments, space station and veterans health care, and if others would just come over and discuss them with us, we believe we can iron some of them out and move ahead.

I thank the leader.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3666, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bond amendment No. 5167, to further amend certain provisions relating to housing.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BOND. Mr. President, I think the parliamentary situation in which we find ourselves is this particular provision dealing with the Bion Program in NASA was included in the House bill. The committee amendment struck the House prohibition on those activities.

So, procedurally, the people who want to maintain the amendment will, after discussion, move to table the committee amendment, which is, I believe, the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Therefore, we can begin the discussion whenever the proponents wish. The tabling motion will come at the end of the discussion. We would like to make sure that everyone who wants to be heard on this issue has an opportunity. We do not yet have a time agreement. We talked about 2 hours last night. I would like to know from the proponents, and will be discussing with them, how much time we need. There are some on our side who wish to maintain the amendment.

I hope we can wrap up the debate in fairly short order this morning and then move to the tabling motion. But I reserve my comments on the issue until those who are proponents have an opportunity to present their views.

Ms. MIKULSKI. I think that is a very good way to proceed. Hopefully, we can conclude this before 11:30 and then be able to move to the Iraqi amendment, so when we come back after the conference we can dispose of both of those and be then ready to continue to move the bill. That is kind of the way I see it.

Mr. BOND. I thank the ranking member for her very helpful suggestions. My view is we are now open for business for the next hour or so. We could have a very spirited debate on this important issue, and I hope then we will be in a position to resolve it.

I ask my colleague from New Hampshire if he is ready to proceed. If so, I will yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 104, LINES 21–24

Mr. SMITH. Mr. President, the pending amendment is a committee amendment to strike the language in the bill, as the Senator from Missouri has just indicated, that prohibits funding from being used for the so-called Bion 11 and 12 missions. The amendment will prevent the waste of approximately $15.5 million on wasteful research involving sending Russian primates into space. Let me repeat that, because one may wonder why we are spending money to send Russian primates into space. I wonder that myself, but that is what we are talking about. What we are trying to do is prevent the waste of $15.5 million of taxpayer money involving research—and it is wasteful research—sending Russian primates into space.

I would also like the record to reflect that Senators FEINGOLD, HELMS, KERRY of Massachusetts, D'AMATO, and BUMPERS have joined me in opposition to funding for this Bion Program. It is a bipartisan group of Senators, as you can tell, crossing the whole political spectrum. I believe Senator FEINGOLD will be speaking on the issue, if not others.

Just so there is no confusion, the language before the Senate passed the House by an overwhelming vote of 244 to 171. It appears on page 104 of the Senate bill. It reads as follows:

None of the funds made available in this act for the National Aeronautics and Space Administration may be used to carry out or pay the salaries of personnel who carry out the Bion 11 and 12 projects.

The pending committee amendment strikes this language. This is what we object to. I want to say at the outset, it is very important, I spent almost 6 years on the Science and Technology Committee in the House of Representatives before I came to the Senate. On that committee I do not think there is anyone who was a stronger supporter of NASA or the space program. I continued that support in my time in the Senate. This is not, and I want to make it very clear, it is not a NASA-bashing amendment. I am not asking these funds be taken out of NASA. I am just asking they not be spent on this particular project, the Bion project.

So let me make it very clear. This Senator has offered a number of amendments in the past to cut spending, and I am proud of them, but that is not what this is. I am not trying to take the money from NASA. I am trying to stop NASA from wasting money that NASA probably could find good use for in some other way.

I had hoped the committee would retain the Bion language, given that it passed the House by a majority of 73 votes. I felt it was reasonable that that language be retained. Frankly, I am disappointed it was not. We had 147 Republicans and 96 Democrats on the House side who supported the amendment to eliminate that funding.

There has been a great deal of criticism of the program from a wide variety of groups: the science community—it is interesting—the science community; not all in the science community, but many; taxpayer groups, those who wish to save tax dollars; animal welfare organizations; and, as well, interestingly enough, from people who had the courage to speak up inside NASA. So when we have NASA people, people within the science community, animal rights organizations, and taxpayer groups all together on an issue, I think it is worth the Senate's time to look at it very carefully.

This letter is from Tom Schatz of Citizens Against Government Waste, which strongly supports this amendment. He says here, this vote will be considered for inclusion in their 1996 congressional ratings. This is a group I have come to deeply respect because they have the knack for finding the most egregious examples of waste in the Federal bureaucracy. It is a very good group. Most Senators here are aware of this group and the very good job they do.

Mr. Schatz is very specific in his letter. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAW), I urge you to support the efforts by Sens. Smith (R-N.H.) and Feingold (D-Wis.) to eliminate funding

for two Bion missions in the FY 1997 Veterans' Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill (H.R. 3666). By eliminating this unnecessary program, taxpayers could save as much as $15.5 million.

These missions, known as Bion 11 and 12, are joint U.S./Russian/French flights scheduled for September 1996 and July 1998. The Russians will send Rhesus monkeys into space for 14 days so that scientists can study the effects of microgravity on the body. According to the Congressional Research Service, Russia has been executing these missions since 1973, and NASA has participated in the last eight, beginning in 1975. A variety of experiments on rodents, insects, and primates have been performed for the U.S. in the 17 years between 1975 and 1992, the date of the last Bion mission.

Data from the seventy-five successful Space Shuttle flights or long-term stays by Russian cosmonauts, such as Valery Polyakov's 439 day flight, could more accurately and less expensively provide the information scientists need to study these effects. In fact, NASA has performed several of its own experiments on monkeys, including two shuttle missions. If NASA feels that it is necessary to do further study on the matter, they only need ask astronaut Shannon Lucid how she feels when she returns from the Mir Space Station. Tax dollars should not be spent on duplicative and wasteful programs.

During consideration of H.R. 3666, the House supported an amendment to eliminate funding by a solidly bipartisan vote of 244–171. The Senate must also reject this funding. We urge you to support Sens. Smith and Feingold and kill this program at once. Any vote on this program will be considered for inclusion in the CCAGW 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. SMITH. I will quote from the letter just a couple of lines:

On behalf of the 600,000 members of the Council for Citizens Against Government Waste, I urge you to support the efforts by Sens. Smith and Feingold to eliminate funding for two Bion missions in the FY 1997 Veterans' Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill (H.R. 3666). By eliminating this unnecessary program, taxpayers could save as much as $15.5 million.

He goes on to say what these missions are.

These missions known as Bion 11 and 12 are joint U.S./Russian/French flights scheduled for September 1996 and July 1998. The Russians will send Rhesus monkeys into space for 14 days so that scientists can study the effects of microgravity on the body. According to the Congressional Research Service, Russia has been executing these missions since 1973, and NASA has participated in the last eight, beginning in 1975. A variety of experiments on rodents, insects, and primates have been performed for the U.S. in the 17 years between 1975 and 1992, the date of the last Bion mission.

In addition, Mr. Schatz goes on to say:

Data from the seventy-five successful Space Shuttle flights or long-term space by Russian cosmonauts . . . could more accurately and less expensively provide the information scientists need to study these effects. In fact, NASA has performed several of its own experiments on monkeys, including two shuttle missions. If NASA feels it is necessary to do further study on the matter, they only need to ask Shannon Lucid how she feels when she returns from the Mir Space Station. (She has been up there several months.) Tax dollars should not be spent on duplicative and wasteful programs.

That is the end of the information from that letter. It is amazing that NASA would ask the taxpayers of the United States, or this committee, bringing this bill to the floor, would ask the taxpayers of the United States to spend $15.5 million to put monkeys in flight for 14 days to find out what effect space has on those monkeys in 14 days when we put human beings in space for 469 days. If there is anyone listening to me or anyone, a Member of this body, who can tell me how that money is well spent, I would like to hear from them. Again, let me repeat, putting monkeys in space for research for 14 days to find out the effects on the body when we send human beings in space for 469 days—can somebody help me? I am sending out the alert here.

Mr. President, this is one of the best examples that I have seen in my entire congressional career of a case of a program that began with good intentions that has outlived itself, because you see, many, many years ago when we started this, astronauts were not the first in space, primates were. We were obviously trying to find out the effects of the future human beings who were going to be in space. Well, that is past; that is over. But, O my God, let's not cut a Government program. Whatever we do, let's keep it going, let's keep it funded, let's not get rid of any bureaucrats who might be doing research we do not need to do. My goodness, we certainly would not want to do that, but that is exactly what the situation is here, Mr. President. This is outrageous. It is outrageous. There is no need for it, and, yet, we are doing it.

I also have a letter cosigned by Mr. Schatz and Ralph De Gennaro of Taxpayers for Common Sense, another antiwaste group that has done excellent work on this issue.

Mr. President, I said it is estimated that this amendment would prevent the waste of 15.5 million taxpayers' dollars by prohibiting funding of these two projects, Bion 11 and Bion 12, which involves sending primates into space. The Bion 11 mission is scheduled for liftoff this month, with Bion 12 in 1998.

Russian-owned rhesus monkeys would be launched from Kazakhstan in Russian capsules loaded with Russian technology for 2 weeks to study the effects of weightlessness. I say to my friends, the Senator from Maryland and the Senator from Missouri, who I know care about wasting taxpayers' dollars, 14 days in space for rhesus monkeys to determine the effects of weightlessness on the human body when we have human beings in space for 469 days? Please, give me a break. Save $15.5 million. The House said so. Let's be reasonable.

I realize that some are going to suggest this is still important. I am waiting to hear how someone can tell me that it is. NASA has already conducted five similar missions using primates as test subjects, as well as two shuttle missions dedicated to studying the effects of gravity on humans. Shuttle mission spacelab life sciences 1 and 2 focused on the effect of microgravity on astronauts in 1991 and 1993. Five United States-Russian ventures in the eighties and early nineties sent primates into space to research the same subject. It is bad enough the Russians are doing it. Why do we have to do it? I know there are a lot of people in my State of New Hampshire who would love to have that $15.5 million, a lot of needy people, people who do not have enough money for fuel in the winter—that is coming on us—or perhaps helping some small business get started and create more jobs.

This is not an anti-NASA amendment. This is a commonsense amendment, and the taxpayers group says they are going to rate this one, and they should, they absolutely should. I am glad they are doing it, because this is an outrageous waste of taxpayers' money.

I know year after year, we do see anti-NASA amendments. We always have one from the Senator from Arkansas cutting the space station, and I oppose it every time because I support the space station. I oppose that amendment because I support the space station. I have always voted against these amendments to cut NASA or to cut the space station.

As I mentioned, I was a member of the Science, Space and Technology Committee in the House of Representatives for 6 years. I was a member of the Congressional Space Caucus and the Republican task force on space exploration. So I come at this not anti-NASA, and every person in the space agency who has worked there for any period of time knows this. They also know that this project is a waste of money.

I coauthored NASA authorization bills. In fact, I wrote language providing for the National Weather Service to conduct pH monitoring to provide the public with access to information about the acidity of rainfall. I cosponsored a resolution urging support for the space station budget and have consistently voted against efforts to cut the space station. I cosponsored legislation to promote space commercialization.

This is a pro-NASA amendment. That is what this is. This is a pro-NASA amendment because it is going to provide $15.5 million for something worthwhile. Taxpayers deserve to have their money spent wisely. They work hard to pay taxes to the Federal Government, and they deserve to have that money spent, not only wisely but reasonably.

(Mr. BROWN assumed the chair.)

Mr. SMITH. Mr. President, if you want to cast a NASA bashing vote, then this amendment is not the amendment for you, because that is not what

this is. This amendment, this $15 million comes right out of important NASA programs like the space station and the space shuttle. But if you are like me and you are excited about the advances we are making in space exploration, you ought to vote to eliminate this kind of waste and provide it in areas where the space program could use the money. Every nickel we spend on the Russian Bion program is money that would have been spent on important United States space priorities. Every nickel.

For example, we could divert this money to speed up the development of Lockheed Martin's Venture Star, the new X–33 single-stage reusable reorbit launch vehicle. The cost of this project will be about $1 billion through the year 2000. This is exciting, revolutionary technology, and it represents precisely the kind of innovation that I am talking about and precisely the kind of innovation that the American people expect out of their space program, which will create millions of jobs in the 21st century.

Furthermore, in the Venture Star Project, we will have a public-private partnership that helps ease the financial burden on the taxpayer. I am told that the estimated cost of sending payloads into space on the Venture Star will be approximately $1,000 per pound, compared with a $10,000 per pound cost on the space shuttle. A tremendous savings.

This $15 million could be used to accelerate the development of technology that will truly benefit our knowledge of space and enhance the competitiveness of the U.S. industry.

Mr. President, we all know how a program takes a life of its own. There has never been an example, as I said before, in all of my years in Congress that is a more egregious example of this exact fact: a program that went beyond what it was supposed to do and yet it continues because no one wants to pull the plug, because somebody is getting some research dollars to do this, somebody is tending the cages of the animals, somebody is making the money, getting a salary somewhere, so God forbid we should cut off a program.

I know that the current occupant of the chair, the Senator from Colorado, has joined me on many occasions in cutting spending. I say to the distinguished Senator that this is an example of the kinds of things that he has fought for for so many years in the House and in the Senate. Again, a program to find out the effects of weightlessness on human beings by putting primates in space for 14 days. We now have humans in space for over 400 days, and we still have the program. I repeat that because I know the distinguished occupant of the chair came in after my comments. I want to be sure he heard them because I need his vote on this issue.

The Bion Program is this kind of program. It has outlived itself. Let me give you a historical perspective. Let me read from a 1969 letter to Senator Peter Dominick, whose constituents at the time objected to NASA monkey experiments identical to Bion. NASA stated:

> The purpose of the biostat light mission is to determine the effects of prolonged exposure to the space environment, including weightlessness on the central nervous system, the cardiovascular system, metabolism and the behavior of a primate.

That was 1969. Thirty years later, almost, NASA still makes the same argument for the program even though humans have gone to the Moon and spent more than 400 days in space at one time. Shannon Lucid is there now, and has been there a lot longer than 14 days.

According to a July 11, 1995, article in the New York Times, more than 300 American and Russian astronauts have logged a total of 38 years in space since Yuri Gagarin in 1961 became the first person to ride a rocket into orbit. Think of that. More than 300 American and Russian astronauts have logged a total of 38 years in space since Gagarin in 1961 became the first person. Yet we still have to send primates into space for 14 days to determine the effects of weightlessness on the central nervous system? And 38 years of time in space by humans. But the project continues.

Why should we waste $15 million on a Russian project that is dedicated to an area of research that American scientists have already examined on seven previous missions? I do not know. Who knows? Nobody wants to pull the plug on the program. We do not want to offend the Russians? I do not know. We do not want to offend the French? I do not know, and I do not care. My responsibility is not to the French, it is not to the Russians. It is to the taxpayers. It just does not make sense. What are we going to learn?

Please, somebody, tell me what we are going to learn 15 million dollars' worth of new information on these two 14-day flights. The bill before us cuts NASA's budget for 1997 by almost $200 million below last year's funding level. When I say ''cut,'' I do not mean it in President Clinton's terms where we increase a program by billions of dollars and call it a cut. That is the President's language. We have been through that with Medicare and Medicaid where we increase a program by 25 to 42 percent and it is called a cut.

This is a real cut, Mr. President. In simple math in 1996 we spent $13.9 billion on the NASA budget. This year we spent $13.7 billion. So we are going down. And yet we still waste this kind of money. I am not arguing the need to cut the budget in light of our $5 trillion debt. But if there is anything I hear consistently from my constituents back home is they want us to start with waste, start with waste. Cut out the waste, the fraud, the mismanagement and then we can look at other programs that we may have to cut to get the job done but, for goodness sakes, start with the most outrageous, egregious waste of taxpayer dollars.

As one who is unabashedly a strong supporter for the NASA program, who is looking forward to the development of a new and exciting technology in the space program, who is looking forward to space exploration and the space station and all the positive spinoffs we will get, who is looking forward to the jobs that are being created, I would hate to see this money wasted on controversial and outdated research that reflects poorly on the agency. And it does. It reflects poorly on the agency.

Somebody in management somewhere did not have the courage to tell somebody they no longer had to attend those primate cages or whatever they do or get any more money. Somebody did not have the courage to tell them or to move them to some other position. So here we go. This is going to reflect poorly on NASA. It reflects poorly on NASA.

The Senate has an obligation to stop it just like the House did, Mr. President. I would like to share with my colleagues an article from the Washington Post on August 30, 1996, entitled, ''Reducing Force a Bad Idea, Space Center Director Says.'' Mr. President, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 30, 1996]

REDUCING FORCE A BAD IDEA, SPACE CENTER DIRECTOR SAYS—MULTIPLE PROBLEMS PREDICTED FOR KENNEDY FACILITY

(By Seth Borenstein)

CAPE CANAVERAL.—Plans for a smaller work force at Kennedy Space Center will lead to hundreds of layoffs in two years and leave the center unable to do everything NASA expects of it, the center's director said in a letter to his bosses.

A dozen different types of work at Kennedy—including some safety inspections—can't be done if the center's civil service work force is cut to 1,445 as planned in October 1998, Director Jay Honeycutt said in an Aug. 7 letter. There are more than 2,100 federal workers at the space center.

A total of 547 people would have to be laid off as of Oct. 1, 1998, if the employment target doesn't change, Honeycutt wrote. In the past, Honeycutt had said layoffs might be avoided.

''The reduction predicted in . . . [the 1999 fiscal year] effectively removes all but direct mission operations support as of Oct. 1, 1998,'' Honeycutt wrote. ''I do not feel this is a prudent approach for the center . . . or the agency.''

In his letter, Honeycutt noted that the cuts would come just as the space center begins overseeing massive upgrades to the space shuttle and getting pieces of NASA's space station ready for launch.

Honeycutt said the 1,445-employee figure that NASA wants to impose on the center was based on it becoming a government-owned, contractor-run facility—an approach that has been heavily changed by NASA officials since it was announced in May 1995.

NASA plans to shrink the center's government work force even further by October 1999, though be less than originally planned. The agency had set a target of 1,135 workers for Oct. 1, 1999, but in late July NASA's deputy administrator wrote the General Accounting Office to say the revised target would probably be 1,360.

Honeycutt sent his letter to top space flight officials at NASA headquarters and Johnson Space Center.

The letter was part of a private, ongoing dialogue between the space center and Washington about staffing levels, but it became public Monday on an Internet computer site devoted to upcoming layoffs at the space agency, spokesman Hugh Harris said.

Harris confirmed the letter on the non-NASA World Wide Web site had been written by Honeycutt. He wrote that cutting the civil service work force to 1,445 would, among other things:

Leave NASA unable to monitor the safety and quality of contractors' work.

Make it impossible for the government to conduct safety inspections of certain facilities.

Force the center to discontinue independent safety studies called for by the federal commission that investigated the 1986 Challenger explosion.

Bring a halt to shuttle upgrade work beyond 1998.

Prevent the space center from making technological improvements that would cut shuttle launch costs and save NASA money in the long run.

If the current work force target for October 1998 isn't changed, ''KSC's core engineering skills, [and] technical expertise . . . are seriously eroded,'' Honeycutt wrote.

Outsiders said Honeycutt's letter was a serious action for a center director to take.

''After awhile you stop being overly polite,'' said Seymour Himmel, a member of the Aerospace Safety Advisory Panel who has studied morale and safety issues at the space center. ''It's trying to be realistic about what they're being asked to do with less, and what the consequences are.

''You are put in a position where you don't know what the hell to do,'' Himmel said of Honeycutt's situation. ''If you really have the programs of the agency at heart, you've got to stand up and be counted.''

A spokesman for Rep. David Joseph Weldon (R–Fla.), who is vice chairman of the House space subcommittee, said Honeycutt was justifiably upset. ''This is the doomiest and gloomiest letter you will see,'' said the spokesman, J.B. Kump, ''Hopefully, this will open some eyes at headquarters.''

Ed Campion, a spokesman at NASA headquarters, said the agency takes comments such as those in Honeycutt's letter very seriously. ''These are the kind of frank discussions that we have to have when we're in tight budget times and trying to make hard decisions,'' he said.

Mr. SMITH. The article is about a proposal where 547 people would have to be laid off as of October 1, 1998. For the $15.5 million we are spending on Bion we could afford to pay each of these people $28,000. I am not saying necessarily that I advocate that, but I just want to point out how much money $15 million is. Every one of those people are going to lose their job. They could be paid $28,000 a year just from this project. It is obvious they do not all make under $28,000, but the point is, we are laying off American workers at the Kennedy Space Center while we send $15.5 million to Russia to conduct redundant and wasteful research, not to mention the pain that you inflict on animals for no purpose, no purpose whatsoever—no purpose.

I am not an advocate of totally eliminating all research, but I think if you all remember the recent story about the gorilla who picked up a small child that had fallen into a gorilla cage, picked it up in its arms and gently carried it to the door of the zookeeper so that they could open the door and carry that child out to safety, it saved the child's life from other gorillas that may have hurt it when the child had fallen into the cage. These are animals. They have feelings. Why would you want to inflict this kind of pain for nothing? It is the same family. They are primates, gorillas and chimps or monkeys. Why would you want to inflict that pain for no reason—no reason? To find out what weightlessness is like in space on these animals for 14 days?

Let me go a little further on to why this research is so wasteful. I am going to cite a number of quotes from NASA experts, NASA documents, scientists, scholars, and medical experts that prove this point.

Let me start with a memo from February 9 of this year. It was written by Jack Gibbons who serves as both the Assistant to the President for Science and Technology and the Director of the Office of Science and Technology Policy. And it is written to Dan Goldin, the Administrator of NASA.

I ask unanimous consent that this be printed in the RECORD, Mr. President.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 9, 1996.

Memorandum for Dan Goldin.
From Jack Gibbons.
Re Primates in Research.

I am following up on our conversation about the situation at NASA with respect to the use of primates in research. I sympathize with your concern that the era of need for primates in NASA's research is now behind us, and that it may be time to retire those animals. I would be pleased to talk with you about the situation and to discuss alternate options to consider.

I should point out that the Air Force is also interested in options concerning their primates, and that the National Institute of Medicine is planning to do a related study under NIH sponsorship.

Please let me know if you want to follow up. I look forward to hearing from you.

Mr. SMITH. This is on White House stationery, written on February 9, 1996, from Jack Gibbons. And it is to the Director of NASA. Let me quote it. It is very brief.

I am following up on our conversation about the situation at NASA with respect to the use of primates in research. I sympathize with your concern that the era of need for primates in NASA's research is now behind us, and that it may be time to retire those animals. I would be pleased to talk with you about the situation and to discuss alternate options to consider.

How could you possibly be any clearer than that? This is from Mr. Gibbons, who is involved with these programs at NASA, to the Director saying it is time to wrap it up, we do not need the money for this project. Yet, here it is, stricken by the House, to their credit overwhelmingly, by a bipartisan vote. But here we go again. Let us leave it in. Who is the lobbyist for this? Who is pushing this? Why is it still in here? Why are we fighting this battle on the Senate floor? Who is this? Where is this coming from?

NASA does not want it, apparently. Where is the lobby for this? I think it is a strong affirmation of my point that this research is unimportant and unnecessary. They do not want it. As this memo clearly states, our two top space officials did not think it was a priority in February, yet here we are in September, by golly, we will put it right in there. Let us spend that money. I do not know who called whom but somebody did, I guess.

In fact, they concluded without hesitation, these two officials, that there is no longer any need whatsoever for such research, and the House of Representatives agreed with them overwhelmingly in June. I give a lot of credit to my friends in the House for acting reasonably.

Since February is there any new startling information out there somewhere that provides some new development, some new revelation that now putting primates in space for 14 days is somehow going to prove, help us to understand weightlessness and the effects on the nervous system for humans who have been in space for 469 days?

I want to hear this tremendous revelation of information. I want to hear about it. It must be exciting, because it persuaded somebody to change their mind between June and now. Where is this information? Where are the documents? People say, ''Why do you go out and get so excited over $15.5 million, over a couple of rhesus monkeys?'' If enough people got excited over $15.5 million every time we wasted that kind of money, we would save money around here and get the budget balanced a lot quicker and we would spend money a lot wiser. We have an obligation to take care of the little things, and the big things will take care of themselves.

Proponents might talk about a recent commission that considered animal welfare. The commission was thrown together with the expectation that Congress might consider cutting the Bion Program. It is very interesting that we see a situation like this. It makes me wonder. I have been in Congress now 12 years. It really makes me wonder who is making the decisions in this Government? Who is really making the decisions? You have a situation where the top two officials in NASA, who deal with the project, do not want it. I don't know of any proponent in the White House that wants it. The House took it out. Yet, here we are on the Senate floor battling over it, wasting a couple of hours of time, perhaps, arguing about this $15.5 million spent on this primate research. Why? It really is amazing. Is somebody who works below these people going around them and somehow getting information here to this Senate? Yes, probably. I think the Senator from Colorado, who occupies the chair and who has had so many

amendments on this Senate floor and in the House regarding this kind of funding, knows that. That is exactly what happens. Frankly, whoever is doing this ought to be fired. They ought to be fired, and we would save a little more money.

There have been a number of these sham committees already that were set up to study something long before this memo was written. So the latest round has taught us nothing. There is a quote from Dr. Larry Young, a professor of astronautics at the Massachusetts Institute of Technology, MIT:

> We are about at the limit of what we can do on shuttle missions in terms of understanding the long play of weightlessness as it affects humans and animals.

I would certainly think so. Fourteen days for primates and 400-plus days for humans, and we are still putting primates in space to study weightlessness on the human nervous system.

This quote is from the final reports of the U.S. experiments flown of the Soviet biosatellite Cosmos 2044 Bion 9:

> The small number of animals studied after space flight preclude drawing any major conclusions for the present.

Now, I don't know if I can stand here and say, well, there is no circumstance at all, no chance that we might learn anything at all from these launches. I am sure we can probably figure something out. Who knows? Maybe monkeys' ears grow more in space. We can probably come up with something if we worked at it. But that is not the point. The point is that it is not cost effective, it is not humane, it is not an American priority, and it is not NASA's priority. That is the point. It is not NASA's priority, not humane, not cost effective, and not cost efficient. Yet, we are going to spend the money anyway.

Unless I can get 50 people plus myself to disagree with the committee, we will spend it and put these animals through suffering for nothing. It is bad enough we have to do it for something, but here we are going to do it for nothing and spend the money. Unless I can get 50 people to agree with me, that is exactly what will happen. I wonder how many Americans even realize that we are still sending primates into space. Frankly, until this amendment came to my attention, I didn't know it.

Our two highest science officials, in the memo I just read, agree that the area of need for primates in NASA's research is now behind us. We have had humans in space for over 400 days. We have learned that most of the problems associated with weightlessness occur after about 2 weeks in space, and the Bion flights are only 2 weeks long. Only in Washington, DC, really, only in Washington, only in the U.S. Government would you have a project as ridiculous as this. I'll repeat that. We have learned that most of the problems associated with weightlessness occur after 2 weeks in space. Yet, we put primates up for 2 weeks and then bring them down. They are not just sitting in the capsule; they are doing all kinds of pretty nasty things to these animals while they are in there.

Mr. President, I do have some more comments to make, but I have used up a good portion of the hour. I think at this point I am going to yield the floor and reserve the remainder of the time for other Senators who may wish to speak.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my friend from New Hampshire for giving me an opportunity to answer some of the very pertinent questions he has raised. The effect of this amendment would be to prohibit NASA from spending $6.8 million in fiscal year 1997 on an important, efficient, peer-reviewed, biomedical research program using rhesus monkeys flown on Russia's space vehicle. It doesn't change the total budget. It forces NASA to withdraw from a signed contract with Russia, override scientific peer review, and undermine the Animal Welfare Act, while at the same time handing animal rights extremists a victory.

Now, there is no one in this body who has any greater aversion to Government waste and unnecessary spending than I do. I think my record as a Governor and in the Senate is one of opposing Government waste. I have challenged duplication of effort. I have pointed out time and time again where the Federal Government wastes money duplicating efforts and where States and local governments have duplicating authorities. I have fought many battles to cut out unnecessary activities. I have fought these battles where I know, from my experience as an executive and as an administrator and as a legislator, where we can cut out waste.

But there is also another area where I think we have made a lot of mistakes in this body, and that is in the area of science. I had a few courses in science, just enough to know that I am not a scientist. So when it comes to scientific matters, I think we ought to rely on the scientific community and get the best judgments from the scientists. If I were going to give a seat-of-the-pants science response, I might say something very simple like, ''We ought to be testing monkeys rather than human beings.'' That is a nonscientific response. But good science is at issue here. Are we going to substitute the scientific judgment of this body for the peer-reviewed science of the experts who have been brought together to say that we need this research? There are perhaps one or two Members of this body who are really qualified to make scientific judgments, who have some background in this area. I would be interested to hear from them. But for the most part, we are going to have to rely on what the scientists have told us. There are some in the opposing-Government-waste category who think that maybe, on the face of it, this is a wasteful activity. But they are plain wrong when you compare the science.

Astronauts' bodies undergo major changes during long durations of space flight, changes which are debilitating on return to Earth.

Some people can survive over a year in space. But we still do not know how to prevent the changes, or even if these changes are reversible.

Let us see what science has said about it. Bion 11 and Bion 12 are outstanding values for the American taxpayer.

Who is lobbying for this? Mr. President, I have a letter here of July 31, 1996 signed by Cornelius Pings, president, Association of American Universities, C. Peter Magrath, president, National Association of State Universities and Land-Grant Colleges, and Jordan J. Cohen, president, Association of American Medical Colleges.

There you have it. That is a pretty tough lobbying group, the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, and the Association of American Medical Colleges. What do they say?

> The Bion missions are designed to study the biological effects of low gravity and the space radiation environment on the structure and function of individual physiological systems and the body as a whole. Bion 11 and 12 will focus specifically on the musculoskeletal system. While the loss of muscle and bone mass during space flight is well documented, neither the rate nor the specific mechanisms involved are well understood. Research on human subjects in this area is difficult because human crew members regularly practice countermeasures designed to nullify some of the adaptive responses to microgravity. While these actions may enhance crew performance and comfort, they also alter or mask the physiological symptoms being studied. Since tissue loss in the musculoskeletal system may be one of the critical factors limiting human space exploration, it is essential that we understand how and why these changes occur and how we might prevent them.

Their conclusion is:

> We strongly support the use of merit review to determine how limited Federal funds may most productively be spent for scientific research. The Smith amendment would override scientific peer review . . .

Let me repeat that.

> The Smith amendment would override scientific peer review and force NASA to withdraw from a signed contract with international partners. We urge you to oppose the amendment.

Mr. President, that is who is lobbying for this provision.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> ASSOCIATION OF AMERICAN UNIVERSITIES, NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES; ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
>
> *July 31, 1996.*
>
> DEAR SENATOR: When the Senate turns to consideration of HR 3666, the VA–HUD-Independent Agencies Appropriations bills, we

understand that Senator Robert Smith plans to offer an amendment prohibiting NASA funding of the Bion 11 and 12 projects. We urge you to oppose this amendment.

We are concerned about the precedent this amendment sets in terminating research that has been reviewed and approved on the basis of scientific merit. The Bion missions have been peer-reviewed and approved by five independent panels over the past eight years. The most recent panel, which submitted its unanimous recommendations to NASA Administrator Dan Goldin only last week, found that the quality of science proposed is very high, that there are no known alternative means to achieve the objectives, and that the animal care and welfare proposals meet all requirements and U.S. legal standards.

The Bion missions are designed to study the biological effects of low gravity and the space radiation environment on the structure and function of individual physiological systems and the body as a whole. Bion 11 and 12 will focus specifically on the musculoskeletal system. While the loss of muscle and bone mass during space flight is well documented, neither the rate nor the specific mechanisms involved are well understood. Research on human subjects in this area is difficult because human crew members regularly practice countermeasures designed to nullify some of the adaptive responses to microgravity. While these actions may enhance crew performance and comfort, they also alter or mask the physiological symptoms being studied. Since tissue loss in the musculoskeletal system may be one of the critical factors limiting human space exploration, it is essential that we understand how and why these changes occur and how we might prevent them.

We strongly support the use of merit review to determine how limited federal funds may most productively be spent for scientific research. The Smith amendment would override scientific peer-review and force NASA to withdraw from a signed contract with international partners. We urge you to oppose the amendment.

Sincerely,

CORNELIUS J. PINGS,
President, Association of American Universities.
C. PETER MAGRATH,
President, National Association of State Universities and Land-Grant Colleges.
JORDAN J. COHEN,
President, Association of American Medical Colleges.

Mr. BOND. Mr. President, the Administrator took notice of the concerns of those who objected to the Bion effort. He convened a high-level independent review program which completed its work on the Bion Task Force on July 1 with the unanimous recommendation to the NASA Advisory Council that NASA proceed with Bion 11 and 12 missions.

He states in his letter of July 26:

. . . the NASA Advisory Council unanimously approved the findings and recommendations of the Task Force and forwarded them to me.

That is a letter of Daniel Goldin of July 26 of the NASA Advisory Council which is composed, among others, of professors at Stanford University, Cornell University, Massachusetts Institute of Technology, Florida A&M, DePaul University, California Institute of Technology, Harvard University, and a number of private sector organizations are involved. This NASA advisory council unanimously approved the recommendation of the Bion task force chaired by Ronald C. Merrell, Lampman professor and chairman, Department of Surgery of Yale University.

That letter of July 2 to the advisory council says:

We unanimously recommend that the Agency proceed with the Bion Project. In response to the three questions you asked us to address in reaching our recommendation we find the following:

1. The quality of the science proposed in the integrated protocol is excellent. It has been reviewed by peers in a very thorough and repeated manner and has withstood analysis for nearly a decade. The science has been thoughtfully integrated to accommodate an enormous matrix of material which is highly likely to yield meaningful results.

2. There are no known alternative means to achieve the objectives of the proposal. The data do not exist at present and there are no alternative species to test the hypotheses. Specifically, the use of Rhesus monkeys seems inevitable to achieve the objectives.

3. The animal care and welfare proposals meet all requirements and US legal standards.

Mr. President, I ask unanimous consent that the letter from Daniel C. Goldin and the attachments from the advisory council and the Bion task force be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, OFFICE OF THE ADMINISTRATOR,
Washington, DC, July 26, 1996.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on VA-HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wish to thank the Committee for rejecting the limitation included in the House-passed version of H.R. 3666, the FY 1997 VA-HUD-Independent Agencies appropriations bill, which would have precluded NASA's use of any appropriations in the bill for the conduct of the Bion 11 and 12 missions. The Bion Program is a cooperative space venture among the U.S., Russian and French space agencies for the conduct of international biomedical research using Russian-provided infrastructure, spacecraft, payload and primates. The House limitation effectively threatened the principle of rigorous peer review in biomedical research, and the Committee wisely chose to delete this limitation.

As I indicated to you in my letter of July 5, a high-level independent review of the program was completed by the Bion Task Force on July 1, with a unanimous recommendation to the NASA Advisory Council that NASA proceed with the Bion 11 and 12 missions. Yesterday, the NASA Advisory Council unanimously approved the findings and recommendation of the Task Force and forwarded them to me. I have accepted the recommendation of the Council and the Task Force (enclosures 1 and 2) that the Agency proceed with the Bion missions. I seek the Committee's continued support for NASA's participation in the Bion 11 and 12 missions as the Senate considers H.R. 3666, and rejection of any amendment to restrict NASA's participation in Bion.

Again, thank you for allowing NASA to pursue its open process of review for selecting the highest quality science by peer review in conformance with U.S. animal welfare laws and the highest ethical principles.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NASA ADVISORY COUNCIL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, July 25, 1996.

Mr. DANIEL S. GOLDIN,
Administrator, NASA Headquarters, Washington, DC.

DEAR MR. GOLDIN: As you requested, a task force of the NASA Advisory Council was formed to provide you with advice and recommendations on NASA participation in the U.S.-French-Russian Bion Program. The task force, led by Dr. Ronald Merrell, met on July 1. The membership was technically competent with broad expertise appropriate for addressing the task force's charter.

At our meeting on July 24, Dr. Merrell briefed us on the task force's activities and deliberations. We unanimously approved its three findings and its recommendation to proceed with the Bion project. We also support its strong advocacy for continued efforts to strengthen the bioethics review policy and process for animal experimentation to be implemented before Bion 12. These findings and recommendations are contained in the enclosed letter from Dr. Merrell.

The public was present and participated in both meetings. Members of the Bion Task Force are to be commended for the seriousness, care, and depth with which they carried out this sensitive task. If we can be of any further assistance, please do not hesitate to ask.

BRADFORD W. PARKINSON,
Chair.

YALE UNIVERSITY,
New Haven, CT, July 2, 1996.

Re Bion task force.

BRADFORD W. PARKINSON, MD,
Chairman, NASA Advisory Council, NASA Headquarters, Code Z, 300 E Street SW, Washington, DC.

DEAR DR. PARKINSON: The Bion Task Force, summoned by the NAC to consider the matter of Bion 11 and 12, met at NASA Headquarters on July 1, 1996. We responded to the attached charge and all members were in attendance except for Dr. Borer. Assignments and logistics had been discussed on a telephone conference call May 15. At our meeting we were ably supported by Dr. Frank Sulzman and aided by an extensive panel of NASA scientists as well as project participants from France and Russia. The public was present and participated in the presentations. The agenda for our meeting and the assignments are attached. Minutes of our activities will be ready shortly. However, I though it appropriate to report immediately our recommendation.

We unanimously recommend that the Agency proceed with the Bion Project. In response to the three questions you asked us to address in reaching our recommendation we find the following:

1. The quality of the science proposed in the integrated protocol is excellent. It has been reviewed by peers is a very thorough and repeated manner and has withstood analysis for nearly a decade. The science has been thoughtfully integrated to accommodate an enormous matrix of material which is highly likely to yield meaningful results.

2. There are no known alternative means to achieve the objectives of the proposal. The

data do not exist and there are no alternative species to test the hypotheses. Specifically, the use of Rhesus monkeys seems inevitable to achieve the objectives.

3. The animal care and welfare proposals meet all requirements and US legal standards.

However, we were sensitive to the concerns raised by the public and within our committee about divisive opinions over animal research. We were reminded that NASA has been a leader in bioethics and a driver for raising the standards of biomedical research. Therefore, we strongly urge NASA to devise and implement a bioethics review policy for animal experimentation to include participation of a professional bioethicist. This group should begin its activities before Bion 12 is activated. We believe it is not morally justified to proceed otherwise. We challenge NASA to raise existing standards by this new policy and thereby continue leadership in the realm of bioethics.

I thank you for the honor to chair this group and on their behalf I thank you for the opportunity to serve.

Sincerely,

RONALD C. MERRELL, MD,
Lampman Professor and Chairman,
Department of Surgery.

BION TASK FORCE CHARTER

The charter of the BTF is to provide advice and recommendations to the NASA Administrator on whether NASA should continue to participate in the joint U.S.-French-Russian Bion Program. Specific activities will include the following:

(1) Review the integrity of the science plan for the mission;

(2) Assure that there are no alternative means for obtaining the information provided by these experiments; and

(3) Review the Bion Program for ethical and humane animal treatment during all phases of the mission.

Membership is comprised of distinguished individuals with expertise in medicine, biomedical research, ethics and the humane care and treatment of animals.

The BTF will report to the NASA Advisory Council (NAC), and will be staffed by the Office of Life and Microgravity Sciences and Applications.

The BTF is expected to submit its report with recommendations to the NAC in July 1996.

Mr. BOND. Mr. President, I do not think we need to say more about this. It is very clear that the scientific community says we need it. We can find out things on monkeys operating under the legal and ethical standards that we cannot find out when we send humans into space, and we are far better testing on monkeys under the ethical standards that are imposed what the impacts of weightlessness is.

I cannot understand all of the scientific jargon in the letters. But I can read the headlines. And the headlines from these letters are from the scientific community supported by the Association of American Universities, the Land-Grant Colleges, and the Association of American Medical Colleges which say that we need this information. Are we to substitute our scientific judgment for theirs? I happen to think personally that would be the height of arrogance to say that we know more about science than the professionals, the great leading scientific minds and institutions of higher education around the country.

That is why I hope, Mr. President, that an overwhelming bipartisan majority of this body will join me in rejecting the motion to table.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Mr. President, I would like to continue this debate by first thanking the Senator from New Hampshire. I am very pleased to be working jointly with him and several other Senators on this matter. I believe that is important to pursue matters legislatively when there is unusual agreement on both sides of the aisle. And in this case there is that agreement between many of us on both sides of the aisle that this program needs to be reevaluated. I want to add a little bit to what the Senator from New Hampshire has said.

My colleague from New Hampshire and I are moving to table the committee amendment which would strike language that passed the House as an amendment to the VA–HUD appropriations bill on June 26, 1996 by a vote of 244 to 171. The amendment was sponsored by Representatives ROEMER and GANSKE. The Senate Appropriations Committee, in preparing the VA-HUD bill for the floor, has recommended that this language be struck from the bill. The language would explicitly prohibit the National Aeronautics and Space Administration [NASA] from expending any funds on the Bion 11 and Bion 12 missions. I believe that the committee's amendment to strike this language should not prevail.

That is why the Senator from New Hampshire, I, and others will move to table. As I said, Mr. President, this move to save this money passed on a bipartisan basis in the House and in this body. It has the support of not only the Senator from New Hampshire and myself but also the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. BUMPERS], and the Senator from New York [Mr. D'AMATO].

As the Senator from New Hampshire indicated, it would be pretty hard to come up with a more diverse group of Senators from a political point of view than that combination.

So what is this all about?

Under this program, NASA transfers money to Russia to launch the Bion 11 and Bion 12 capsules, and also funds United States researchers to be involved in designing the experiments and interpreting the results. The Bion Program gets its name from the small crewless Russian Bion satellite it uses to launch biological experiments into near-Earth orbits to study the physiological effects of space flight. Since 1973, Russia has launched 10 Bion satellites. The last was done with NASA participation for space flights of between 5 and 22 days.

In fiscal year 1993, $35.1 billion was appropriated to support this whole program. At present, $15.5 million remains in the Bion account for the next two flights.

So when the Senator from Missouri correctly points out that a little over $6 million will be involved in terms of this fiscal year, there is still more to come—and still more in my view and in the view of the Senator from New Hampshire to be wasted if we do not take the steps that we recommend today.

Bion 11 and Bion 12 are the last of these flight missions, scheduled to fly in October 1996 and July 1998 respectively with United States, French, and Russian participation. Two Russian-owned rhesus monkeys will fly on each of the missions, scheduled to last 14 days, to study the effects of microgravity on bone loss, muscle deterioration, and balance.

I oppose the committee amendment to strike the Roemer-Ganske language because I believe that these funds could be allocated for higher priority science at NASA or preferably for deficit reduction. I am also concerned that the scientific justification for the program is questionable and the results redundant, given that NASA has both previous Bion experiment data and significant human data on the effects of space flight. Since the Apollo missions humans have stayed in space for months at a time, and on July 16, 1996, Shannon Lucid set the U.S. record for the longest space flight aboard the space station *Mir* at 115 days, and as of last Friday has now spent 5 months orbiting the Earth. There is substantial information and data with regard to the humans involved, which is obviously our ultimate concern. In addition, Mr. President, the last *Columbia* shuttle mission, which lasted 17 days, included an experiment similar to those proposed for Bion and in that case was done on actual human astronauts.

The termination of expenditures on the Bion Program is supported by a coalition of taxpayer and animal welfare groups, not simply animal welfare groups. It includes Citizens Against Government Waste and Taxpayers for Common Cause, who have found a common ground on this issue and believe that the money can be saved from these missions.

Mr. President, the Bion Program, to quote, according to the February 1996 Bion 11/12 Science Assessment, is ''very important for future long-term manned space flights and life on a space station.''

Let me emphasize this statement. It says the Bion Program, and arguably NASA's entire life sciences program, exists to support the continuation of the pursuit of long-term manned space flight and the development of the space station.

That is really the context in which we should be evaluating Bion and NASA's continued participation in it. It is not simply a crusade of animal rights activists, as proponents would have you believe and as the Senator

from Missouri at least suggested in his remarks. There is much more involved for those of us who are concerned about waste in Government, and I think that includes everyone in this body.

Of course, there may be issues pertaining to humane treatment and the future of the Bion protocol, but for the Members of this body who do not support the space station for fiscal reasons—and there are a number of Senators, including myself—Bion is really an outgrowth of space station development and for that reason, as well, ought to be terminated for fiscal reasons.

For those who support manned space flight, I believe that the research which will be conducted on Bion 11 and 12, despite the Bion Program having cleared a fourth reevaluation of the experiments, is arguably duplicative. So it may well be something that standing alone can be argued to have merit, but if it is already adequately being done, it is still duplicative and it is still wasteful.

I say this despite the fact that individuals from two very well-respected research institutions in my State of Wisconsin, Marquette University and the Medical College of Wisconsin, have participated in the Bion Program and one of the individuals actually will be directly involved in interpreting data from Bion 11.

I ask those in this body who support manned space flight to ask themselves this question: Despite the scientific merit of the study design, will the termination of the Bion 11 and 12 flights keep the United States from sending astronauts into space if we cannot find the mechanisms behind bone calcium loss and the deterioration of muscles that help humans fight gravity and stand upright? The answer is obvious. It is resounding. It is an empirical no. This will not make the difference.

So the proponents of this program then make four primary arguments in support of the continuation of Bion. Let me just mention what their arguments are and respond briefly. First, they say the scientific and humane concerns are overblown and have been addressed.

Second, they say the Bion Program results are important for manned space flight.

Third, they say we are likely to get useful domestic byproducts from Bion research for osteoporosis and other disease sufferers.

Finally, they say with regard to the fiscal issues that the savings figures are not savings at all. I will try to address all of these, and of course some of this has already been addressed by the Senator from New Hampshire, but I want to add to it.

I think the strongest argument against the Bion missions is the question of whether or not the experiments are redundant, which, of course, speaks to their importance to manned space flight. That is a distinct question from whether or not the scientific study methods and the experiment design will produce legitimate and scientifically valid results.

Let me say a bit about them. Four of the rookie astronauts from the July 7, 1996, shuttle *Columbia* mission, which had a total crew of seven, participated both prior, during, and after the flight as, in effect, human guinea pigs in the study on the effect of human space travel on the body.

Within an hour of touchdown, as reported on July 8, 1996, by the Chicago Tribune, ''The four astronauts who had endured medical poking and prodding in orbit were in a clinic at Kennedy Space Center undergoing painful muscle biopsies and other tests. NASA wanted to examine the men before their bodies had adjusted to gravity.''

The Houston Chronicle also provided additional detail on the mission on July 8, 1996. NASA ''billed the mission as a preview of its operations aboard the U.S.-led international space station.''

Following landing, the Chronicle continues, ''The crew were ushered into medical facilities at Kennedy for evaluation of their muscle, skeletal and respiratory and balance systems. The test included biopsies of their calf muscles with large gauge needles and full body scans with a magnetic resonance imaging device.''

So the contention of the supporters of Bion has been that the Bion tests are too invasive to be done on humans and thus should be done on rhesus monkeys. As Charles Brady, a physician and one of the rookie astronauts, stated about the test as reported in the Orlando Sentinal on July 7, 1996: ''Having had to subject many patients to things I wouldn't rather do at the time, I think it is appropriate that I have to go through with it.''

Now, why do I provide all this detail on the recent *Columbia* mission experiments on astronauts? It is because NASA's real justification for the Bion experiments is not that they are collecting data from the rhesus monkeys they are not collecting from astronauts. They are. It is that they feel that the monkey studies will help them better interpret the changes in humans from the biopsy studies and the studies in the noninvasive tests they conducted on the *Columbia* astronauts. The astronauts' biopsies are limited in size, and allegedly the Bion monkeys could provide more samples from more muscles. The Bion monkeys will provide bone biopsies, to which astronauts would not submit, and the Bion monkeys' results will be compared with the astronauts' results.

Why do this? Because those involved in the experiments want to confirm that, indeed, the same changes occur in immobile rhesus monkeys that occur in reasonably active astronauts. What does this say in response to those who argue that these tests are not really that invasive and should proceed on rhesus monkeys.

But to return to the main point, Mr. President, this is research designed to confirm that what we know about the body, that what we know about the effect of space flight on the body is indeed what we already know. We already know it. And this apparently is just an attempt to spend some of our tax dollars to confirm it.

I am concerned about this, given the amount that has already been spent to collect the astronaut data. The Rocky Mountain News reported on June 21, 1996, that the *Columbia* shuttle astronaut study on the effect of space travel on the human body cost $138 million. And this expenditure on the rhesus monkeys procedures will simply add to that figure, I think that is unnecessarily, and would be redundant.

Let me return to the second issue. The second issue I want to address is the issue of humane treatment, because Senators will likely hear that the Bion experiment animal treatment protocol has been reviewed several times—most recently in early July 1996.

In April 1996 NASA Administrator Dan Goldin set up an independent panel, chaired by the head of surgery at Yale, Dr. Ronald Merrell, to review the care and treatment of the Bion monkeys, the fourth such review. But, as the Bion launch is scheduled for October 1996, and the panel could not meet until July 1, the surgical procedures to implant monitoring wires and the steel cranial caps on the monkeys went ahead in Kazakhstan in June at the Institute for Biomedical Problems in Moscow. NASA was then in the awkward position of agreeing to allow the Russians to proceed with the surgery even though it had not yet decided to support the mission.

What happened in the interim? The House agreed overwhelmingly on a bipartisan vote to prohibit the continued spending of NASA funds on Bion.

The independent panel met on July 1, 1996 and issued a letter the day after the meeting. The letter does say that the proposed science will ''likely yield meaningful results,'' the animal welfare proposal meets ''U.S. legal standards,'' and that rhesus monkeys are appropriate surrogate human animal subject for these types of experiments.

I am concerned the previous argument by the Senator from Missouri did not include in his verbal statement, although he may have included it in the RECORD, the rest of the story, if you will, the rest of the letter.

I am concerned by how the Merrell panel letter concludes:

> However, we were sensitive to the concerns raised by the public and within our committee about divisive opinions over animal research. . . . Therefore, we strongly urge NASA to devise and implement a bioethics review policy for animal experimentation to include participation of a professional bioethicist. This group should begin its activities before Bion 12 is activated. We believe it is not morally justified to proceed otherwise.

The conclusion of the Merrell panel has led some to believe that the panel really met just for show, and that the

pressure of having already implanted wires in the monkeys made the recommendations what they were. As the associate director for Life Sciences at the Ames Research Center was reported as having said in a July 12, 1996, Science article announcing the Merrell panel decision and reporting the House vote ''we have to turn this [House vote] around in the Senate.''

On July 23, 1996 I received a letter in support of the Bion project from the Americans for Medical Progress Educational Foundation. The letter makes several arguments on the need for continuation of Bion, most which I have previously described, but adds an additional one that I would like to share with colleagues—''the animal subjects in Bion are treated well and, upon return, will be retired in Russia and idolized as space heroes.'' I am sure the monkeys are very excited about that, but I am not certain that the authors realized how concerning and bizarre that statement sounds, particularly as a justification for spending $15 million over the next 2 fiscal years. Odder still, is that the statement has some basis in fact. NASA staff, in meeting with my staff, described that the chairs in which the monkeys are restrained are actually lined with bear fur, the same as the seats of the Russian cosmonauts. This is done because the Russian cosmonauts believe such seat covering is thought to be more comfortable.

Finally, I believe that question about whether the Russians might be able to financially support these missions without United States involvement is unclear. On May 24, 1996, in a Science magazine article on the Bion project, the director of biomedical and life sciences at NASA is quoted as saying ''if NASA were to pull out, Russia could proceed on its own. If they can afford to do it, they will. It's their animals and their capsule.'' The July 12, 1996, Science paints a different picture. Quoting the head of the Bion Program at the Institute for Biomedical Problems in Moscow, Science reports that he is concerned about the fate of Bion 12. ''Given Russia's cash strapped space program,'' he says, ''if any partner pulled out it would pose a serious problem.''

In the end, either situation concerns me and I think it concerns the Senator from New Hampshire and the rest of us who are working on this. I believe it confirms why colleagues should oppose the committee amendment and table it. If Russia can afford this experiment, then Russia should conduct it. If Russia can't support it, and the United States is funding the lion's share of the program, then we should not proceed with a program about which there are serious lingering concerns about humane treatment of the animal subjects as well as the necessity for the program. The Merrell panel specifically calls for an additional ethicist to be added to the research team, and I believe casts doubt on Bion 11. I can assure Senators that if we ignore the action of the House, we will be asked to terminate Bion 12 next year. Instead, I think we should act now to end our involvement and to reinstate the House-passed language.

Everyone knows the Federal budget has constant pressure from numerous competing needs, and NASA itself is facing significant pressures. For example, last Friday's—August 30, 1996—Washington Post reported that there is an ongoing dialog among top officials at Kennedy Space Center about significant civil service cuts that may number as many as 1,445 people with 547 layoffs at that site which now employs approximately 2,100 Federal workers. Given those kind of pressures, this project makes little sense. It cannot be fiscally justified.

I thank the Senator from New Hampshire and urge my colleagues to support the motion to table, which will have the effect of supporting the committee amendment and opposing spending additional dollars on the Bion Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by my friends from New Hampshire and Wisconsin, and I want to speak in support of the Bion mission.

We are singling out a particular area of animal research because it happens to be on a space flight, I guess, because it happens to be up there a little bit above the atmosphere, going around, where we have a unique opportunity to do some of this research in the microgravity environment of near-Earth space. We are not talking about doing away with all animal research, as I understand it. Yet, we have hundreds and hundreds and hundreds of thousands of animal research projects with animals involved in medical research right here on Earth.

My distinguished colleague from New Hampshire said a while ago, why do we need these monkeys up there because we have some 38 years of human experience in space? We do have that kind of experience. But I also submit we have hundreds of thousands of years of human experience right here on Earth and we still find the need to do medical research here on Earth and use animals to do that medical research.

So, if we are just against medical research using animals, that is one thing. But to say that because we happen to be up here a little distance off the Earth's surface, we are now going to prohibit it up there, or to say the money spent, the comparatively small amount of money being spent on this is going to be cut out, I just think flies in the face of what our experience has been with animal research.

What am I talking about? Here on Earth we now have open heart operations. I am a frustrated doctor at heart. I started out wanting to be a doctor years ago. I got sidetracked by World War II. But when I was in Houston with the astronaut program down there, Mike DeBakey was a good friend of ours. I used to go in and watch him operate. Do you know what all those operations were prefaced on? They prefaced them on animal experiments. The heart operation, the valve replacements and the operations of heart replacement, all were done with animal experiments ahead of time.

We could go on and on. For all the drug tests that we have in this country—I do not mean drug tests to see if people are using drugs, I mean drugs that are antibiotics and so on that we use—we preface our human use by making experiments on animals. I am sure the whole medical community would be up in arms if we tried to knock all of that out.

We try out vaccines on animals. We try out bone research on things that will make bones knit together better. We do that in animal research. We do that in eye research, we did corneal transplants on animals—I believe it was rabbits, as I recall —before we did it on human beings. We did that because it is safer for people to have that kind of experiment.

We were concerned these experiments be done humanely, so we passed the Animal Welfare Act. It is the law that sets the standards of how we permit animal research to be done in this country, so it is done humanely. Those rules are basically the rules that we follow and also, as I understand it, the Russians follow, or are following now. I am the first to say some of the things we heard early on about the Bion project, I questioned about whether it was being done properly or not. But those things are corrected if they ever were true. They are being corrected and they are being monitored very, very closely.

The point is, these Bion flights represent an effective approach to conducting very important biomedical research. To knock this out just because the laboratory happens to be up here weightless, going around in microgravity up a little bit off the Earth's surface here, to knock it out because it is part of the space program and ignore all of the other hundreds of thousands of animal research projects going on, I do not think makes much sense.

Bion research is fundamental, peer-reviewed research at the center of NASA's program for exploring how the body changes in microgravity, and there are a lot of changes. NASA and Russia have cooperated on Bion missions for 20 years now. This is not something just starting up. We have been at this for a long time. The fact is, we have used the Bion spacecraft to produce major findings on space flight and health.

Mr. President, the amendment's proponents argue that the Bion missions are not necessary because we have already sent people in orbit and, therefore, we can study the effects of microgravity directly on people who have already flown. Obviously, we know people have survived space flight, but this

does not mean we know what happens in our bodies. We are still trying to find out what the basic changes in the body are that occur in microgravity that give us some of the results that we get. Just as researchers on the ground sometimes need to use animal models by the hundreds of thousands all over the country, researchers in space must use animals as well.

The plain fact is that for some types of research, animals are better subjects than people. For one thing, human astronauts are not genetically uniform. Compared to lab animals, there is a lot more natural variability in the human population from both environmental and genetic factors. With the small sample sizes and brief time periods inherent in most space flight opportunities, more reliable baselines for certain measurements can be obtained using lab animals.

Another benefit is that a lab animal's diet can be more easily controlled than an astronaut's. Astronauts up there for 14 days, 17 days, as the STS–78 mission, get a little cranky when you tell them they have to eat the same pellets for 14 days, or whatever it is you want the animals to eat to control its diet and dietary intake.

Given the fact lab animals fulfill a vital role in microgravity research, it is imperative that these animals be treated in a humane way, and I agree with that 100 percent. All people involved with the Bion Program should be held accountable for the animals' welfare, and they are. The animals' care and well-being is maintained before and during flight. Following the flight, the animals are returned to the Russian breeding colony, or another suitable habitat, where they are maintained humanely for the remainder of their natural lives. This program has been reviewed—I point this out very specifically—this program has been reviewed by independent experts who have concluded that it is legitimate science performed in a humane manner.

Several months back, Dr. Jane Goodall, who is famous for her primate experiences in Africa along Lake Tanganyika in Africa—she is known all over the world, and I have known her a number of years—contacted me about her concerns in this regard, about the Bion Program specifically. I relayed these concerns both by telephone and letter to NASA Administrator Dan Goldin, who established an independent task force to review the Bion project. I want to quote from a letter the task force wrote to the chairman of the NASA advisory council dated July 2, 1996. I think the letter was entered into the RECORD a little while ago by Senator BOND. The task force unanimously recommended the Bion project proceed with the following findings:

(1) The quality of science proposed . . . is excellent. It has been reviewed by peers in a very thorough and repeated manner and has withstood analysis for nearly a decade.

(2) There are no known alternative means to achieve the objectives of the proposal.

(3) The animal care and welfare proposals meet all requirements and—

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and U.S. legal standards.

In other words, the Bion project is being conducted under our Animal Welfare Act, under the same guidelines we have for our own research laboratories in this country.

In addition, the task force recommended NASA devise and implement a bioethics review concerning their policies for animal experimentation and that this review include participation by a professional bioethicist. Not only did Mr. Goldin accept this recommendation, but such a task force review is getting underway with not one but four bioethicists, in addition to other veterinarians and researchers.

Mr. President, NASA has made the space environment seem almost commonplace. It has been an amazingly successful program. We see videos of astronauts floating in the space shuttle, and it looks like a lot of fun, and it is. But along with that goes an awful lot of research. It is a tremendous amount of research. That is the only reason we have the program, is to do basic research, not to see whether we can go up there and get back now, but to do basic research in orbit.

It is easy to forget just what a foreign and challenging environment space is. Zero gravity is unique, not just in the history of human experience, but in the history of life itself. Few of us have been able to experience weightlessness, and we are the first people to have done that in the some 4.5-billion-year history of life on Earth. Nothing in our evolutionary history prepares us for being weightless.

But here is what we find after people are up there weightless for a period of time:

The bones begin to lose some of their mass. Calcium content comes out of the bones;

Muscles atrophy, they get less capable;

The body's system for maintaining balance begins to change;

Coordination is reduced;

The immune system becomes less effective;

Sleep patterns and the body's natural clock are affected. And that is just for starters.

Some of my colleagues may find this list has a very, very familiar ring to it, and I talked about this in more detail on the floor yesterday. I know it has a familiar ring to me. It is not because I have been in orbit, but because reduced muscle mass, bones becoming more fragile, deteriorated balance and coordination, reduced immune efficiency and sleep disturbances are changes that occur with the normal aging process here on Earth, as well as what happens on a space flight.

What are the mechanisms for these changes? Are the same mechanisms in play among the aging on Earth and the astronauts in orbit? Would an older astronaut experience slower or faster deconditioning on orbit? Are these changes reversible in space by some artificial means or here on Earth for those of our elderly citizens, some 44 million, almost, above the age of 60, as I pointed out yesterday? If so, then how do we make these changes reversible for benefit right here on Earth?

We do not know the answers to these questions, and that is the challenge. But, Mr. President, that is also the opportunity and that is why the Bion missions are so important, because when we identify the underlying mechanisms by which the body adapts to space, we may also identify much, much more.

What if this research leads to new insights on how to treat osteoporosis? Not only would that make the lives of thousands of elderly people more enjoyable, it would save countless millions of dollars in health care costs.

A better understanding of balance and vestibular changes in the elderly could help prevent falls and avoid debilitating injuries for elderly people. That is another area.

The immune system changes. Think what happens if we can just figure out what the common ground is between what happens to people in space over a lengthy period of time as the immune system goes downhill, becomes less effective and in the elderly here on Earth whose immune systems normally with old age become less effective. If we could find out by comparing back and forth what causes that kind of a mechanism, can we trigger it off artificially, is this a new approach to AIDS, is it something we can learn here that is a new approach to cancer?

We do not know, but that is the purpose of research, to find out exactly some of those answers that are of benefit not only in space but will have direct application to people's lives right here on Earth.

I am not trying to say that the Bion missions are the key to the fountain of youth. Far from it. But it is basic research on processes analogous to aging that can only be performed on orbit, and we don't know where it will lead. But if there is one thing we know from our whole U.S. experience in supporting basic research throughout our history, it is that money spent in this area normally has a way of paying off beyond anything we normally see at the outset.

I think we owe it to our children and to our grandchildren to find the answers as best we can to some of these things and the opportunity we have to do that.

Mr. President, my colleagues have heard me speak in detail about the value of basic research and how we do not always know what benefits will come from such research. But let me just talk very briefly about some of the benefits and technology spinoffs that have come out of the Bion Program to date.

Doctors at the University of California at San Francisco are using the biosensors and telemetry technology developed for the Bion Program to monitor the condition of fetuses with life threatening conditions. For some congenital medical conditions, doctors can more safely and effectively operate on fetuses in the womb. Such surgery was much riskier before this sensor technology was available.

A computerized video system developed to test the behavioral performance of Bion monkeys is now being used to teach learning disabled children.

A device to noninvasively test bone strength was proven effective in Bion monkeys and is now commercially available to assess the condition of human patients suffering osteoporosis and other bone diseases.

While conducting ground-based research in preparation for a Bion mission, Dr. Danny Riley of the Medical College of Wisconsin discovered a staining technique that surgeons can use to more accurately reconnect the peripheral nerves in severed limbs. And this discovery did not involve any amputation of animals' limbs to do that research. In the past, the only markers surgeons have had for accurately rejoining the peripheral nerves have been the positions and size of the nerve axons. Dr. Riley discovered a staining technique that stains sensory axons but not motor axons. Not only is this a boost for neurological research, but it will improve the successful prospects for reattaching limbs that have been severed.

Mr. President, to conclude—I gave a more lengthy statement yesterday in detail of some of these areas—but to conclude, Bion research is important. It is thoroughly reviewed research. It is conducted humanely. It presents a real opportunity for new insights into the human body every bit as much as medical research right here on the surface of the Earth.

We have a new environment up here. It is the microgravity of space flight. It offers a whole new opportunity to do animal research ahead of the human beings perhaps doing the same thing later on. As I said, initially we do those same things right here on Earth with regard to all sorts of experiments that have led to heart operations, drug tests, new vaccines, bone research, eye research, and so on, that we do here on Earth. And I see no reason whatsoever why we should knock this out when it is a very, very valuable program.

So, Mr. President, I hope that we will defeat this amendment and I hope our colleagues will see the wisdom of going in that direction also. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose the Smith motion. A while ago, the chairman of this subcommittee on appropriations said that we run into a lot of things in this business, and especially here on the floor of the U.S. Senate, that we do not quite understand. I chair the Subcommittee on Science, Technology and, of course, Space, and NASA. That is the committee that provides the authorization for NASA.

So I state my support for the Bion Program and, of course, this appropriations here which rejects the House language that prohibits the funding of the Bion 11 and 12 missions. In science and technology we run into a lot of things that we do not quite understand because I do not think there are very many of us on this floor that are scientists.

The Bion Program is an important cooperative space venture between the United States, Russian, and French space agencies for international biomedical research using Russian-provided support systems, their spacecraft, payload and, of course, the rhesus monkeys. It is a cost-effective program. It is based on sound science. It has been peer-reviewed, I think, four times. I could be wrong, but I think four times. And every time they have come away with the recommendation that the research should move forward.

Some of the results are likely to provide insights into understanding complex physiological processes which occur during the normal aging process or are involved in Earth-based diseases such as anemia, osteoporosis, muscular atrophy and the immune system dysfunction.

In Billings, MT, the Deaconess Research Institute there has the largest data base on osteoporosis in women that there is in the country. Because of a stable population in my town of Billings, MT, they have been able to move forward on a lot of this research. But the research that is done in space becomes evermore important. Indeed, the first 10 missions of the Bion Program have already benefited our lives through technological spinoffs, such as the development of devices to monitor human fetuses following life-saving surgery and to noninvasively test bone strength in patients suffering from bone diseases. These benefits to our health and well-being are an addition to the knowledge gained to help NASA protect the health and safety of our space travelers.

Yes, there are those who would like to scrap the space program altogether. I am not one of those. I am saying that this society, this American society, in fact the unique American is a person that is always reaching out, going into the unknown, exploring the unknown. When we quit doing that, then we lose a part of ourselves.

Basically, I have a hunch that this amendment is not really about NASA. It is an anti-animal research amendment. The animal welfare groups have targeted the Bion project for elimination. They claim that research is not necessary and it is inhumane and it wastes the taxpayers' money. And all of that could not be further from the truth.

Animal welfare groups are waging an all-out campaign against the program simply because four Russian rhesus monkeys are scheduled to be used in the Bion 11 and 12 missions. Because of this continued pressure, the Bion Program has been continuously scrutinized and it has been continuously peer-reviewed. The experiments were peer-reviewed in 1988, 1992, and again in 1993.

In December 1995 the Administrator of NASA, Daniel Goldin, again requested an external panel of scientists to review the research. And the 12-person panel of independent experts strongly recommended that NASA proceed with the remaining Bion missions. As in the previous reviews, their findings reconfirmed the importance of the program and its scientific merit. The panel concluded that the science is excellent; rhesus monkeys are the appropriate species to address the scientific objectives; and there are no alternative means for obtaining the essential information that will be gained from this research.

So the Bion Program is being debated here because the most radical animal rights activists have elevated their own agenda above the interests of good science and, further, above the lives of human beings.

I think this amendment, if it is passed, will have very serious repercussions on other Federal agencies. I think these agencies include the National Science Foundation, the National Institutes of Health, the Department of Energy, the Department of Defense, and the Veterans' Administration. Their support for research in the biomedical and life sciences can also be jeopardized by the outcome of this vote today. There is a well-established scientific process leading to awards of Federal support. Being chairman of that committee, we deal with this every day. The proposed experiments undergo peer review by experts, and this includes the review of the use and care of animals that are used in research programs. So this is nothing new to the authorizing committee that I chair.

This amendment contradicts existing Federal policies, contradicts the procedures for scientific peer review and laboratory animal welfare that has already been put in place by Congress. It sends a message that Members of Congress, not scientists, are the best judge of the quality of the science projects. I, therefore, challenge any Members of this body, as certain projects come before us, especially in the area of research science and science development, that if everybody is an expert on everything that we talked about and allocated money to do research for, I would really be surprised. But we do have a peer review system, and, thus, if the passage of this amendment were successful, it would undermine the

whole foundation that has been assumed on scientific research.

Animal research plays an integral part in all of our lives. It has been said that without animal research, most, if not all, of the medical advances in the last century might never have occurred. For example, we could still have polio, and today nearly 38 million Americans would be at risk of death from a heart attack, stroke, kidney failure, for the lack of medication to control their high blood pressure. I could go on and on. I am getting more of an education in that field all the time. I happen to be a very proud father of a doctor who graduates medical school next spring. So I have a feeling that my education is going to continue until they put me in the ground, so to speak.

The antianimal research amendment forces NASA to withdraw from a signed contract with the other nations—Russia and France. It derails scientific peer review and thwarts the Animal Welfare Act. Is this the message, I ask this body, that we want to send? Allowing a single interest group that totally opposes animal research to dictate NASA's or other Government agencies' research goals cannot be tolerated. I have seen these groups work. Sometimes they have a less-than-candid view of what has to happen as far as science and technology is all about just to further their own cause.

So, Mr. President, the Bion Program is worthy. The amendment is not truly about the merits of research or the costs, because the costs are nothing. What it is about is the welfare of animals being used for research. I support appropriate procedures to protect the safety and well-being of animals, but this amendment is simply inappropriate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Ms. MIKULSKI. Will the Senator withhold for a second?

Mr. BENNETT. Yes, I am pleased to.

Ms. MIKULSKI. Mr. President, I bring to the Presiding Officer's attention, and to my colleagues' in the Senate, I believe we are moving at a good pace in this debate. I see on the floor our colleague from Tennessee, Dr. FRIST, who wants to speak on this. I do, as well. I encourage anybody else who wishes to speak, to please come to the floor so we can move to concluding this debate before the respective caucus. I think this has been an outstanding discussion.

Mr. BOND. I thank my colleague from Maryland for pointing that out. I hope if there are others—particularly proponents of the motion to strike—they will come down by the time the Senator from Maryland is prepared to talk. I have asked her if she will conclude comments on this side. I think that the Senator from New Hampshire wants to close and then make the tabling motion. But I sincerely hope that we can wrap this up by noon. The Senator from South Carolina would like to speak for 3 minutes on this measure. I hope we can conclude this debate by noon, or at least by 12:30, and then have the tabling motion. We will discuss with the leadership when that vote will occur.

Ms. MIKULSKI. Yes, because, as I understand it, when the motion to table is made, isn't the vote immediate?

The PRESIDING OFFICER. We are in a nondebatable posture at that point, that is correct.

Ms. MIKULSKI. Must the vote occur immediately, or could it be delayed after the party conferences?

The PRESIDING OFFICER. Unless the Members would seek a unanimous consent agreement to schedule it for a different time.

Ms. MIKULSKI. While the Senator from Utah is speaking, perhaps we can talk with the leaders about how they wish to handle the vote. I believe the Democratic leader wishes it to be after the conference.

Mr. BOND. I thank the Senator from Maryland. I will defer to our leadership. I understand from the Senator from New Hampshire that there are no further speakers on his side. So we will hear from the speakers who are now lined up to speak in opposition to that tabling motion. Then we will, after they have spoken, ask the Senator from New Hampshire to proceed and make the tabling motion, perhaps, with a unanimous consent request that the vote be postponed until a time certain.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was particularly enlightened by the comments of the Senator from Ohio, who has a unique perspective on this particular issue. As I have noted here before, I come as the successor to Senator Jake Garn, who also has a unique perspective on this issue, and who, if he were still in the Senate, would be speaking out very strongly in favor of the committee position.

We are talking about America's space effort, America's interest in exploring in space, and we made the decision, as a country, to put humans into space for a prolonged period of time at some point in the future. It makes no sense to fund a program and put humans into space and not to do the research necessary to understand what will happen to humans when they get there. That is essentially what the motion to table would do. It would say, yes, we will go ahead and fund the programs to put humans in space, but we will not fund the research to find out what will happen to them.

We are told that we already know what will happen, that humans have stayed in space for 439 days. It is true that on the basis of that, we know what happens. They experience loss of bone mass and muscle deterioration, and brain and motor functioning is different. We know that space affects the spinal cord and bones, muscles and immune system, as well as the brain. But what we don't know is whether these effects are long-term, and whether the bone and muscle loss is permanent. We don't know that. Can the deterioration be counteracted in space? We don't know that. What else occurs that might not have occurred in 400 days that might occur for a longer period of time? We don't know that.

We have an opportunity to find out by using animal experiments in space. Science doesn't tell us where the answers are. As we look at the great breakthroughs in science, they have come, sometimes, with hard research. They have sometimes come by complete chance, as people are looking for one thing and stumble across something else. But we do know that they never come if the research is not conducted and if people do not make an attempt to find out these answers.

I won't repeat all of the arguments that have been made on the floor, because I think they have been very cogent. I do agree that the Senate is not the appropriate place to try to micromanage a scientific project when, in fact, it has been subjected to the amount of peer review and overall management guidance that this particular program has.

The Senator from Ohio has quoted Dr. Ronald Merrell, the chairman of surgery from Yale, who is the scientist who has written to the NASA advisory council. I urge my colleagues to refer to those quotes. I would like to add just a few more to those which we have already seen. From the American Physiological Society, I have a letter that says:

> The research is scientifically necessary, important to NASA's mission, and should be allowed to proceed.
>
> The Bion research is intended to expand what we know about how space flight affects muscles, bones, balance, and performance. While human beings have spent long periods of time in space, it has not been possible to fully document the changes to their bodies. In part that is because for their own comfort and protection, astronauts take medications to counteract space sickness and do intensive exercise to overcome the harmful wasting effects of prolonged weightlessness. These countermeasures make it hard to determine exactly what is happening to their bodies. The Bion 11 and 12 experiments are intended to fill gaps in our knowledge so that we can find better ways to counteract the effects of weightlessness on the body.

I found that interesting. I remember talking with our former colleague, Senator Garn, about the problems that he had both preparing for his space flight and some of the space sickness experiences he had while he was there. He took the countermeasures to which the letter that I quoted refers, and he was able to function properly. But that is something that had not occurred to me until this letter came in as a reason why we need to proceed with the animal research.

From the American Society for Gravitational and Space Biology, I offer the following:

To kill this program just as mankind embarks on permanent presence in space would be a serious mistake.

From the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, and the Association of American Medical Colleges, I have this quote:

We are concerned about the precedent this amendment sets in terminating research that has been peer reviewed and approved on the basis of scientific merits.

That is another interesting thought where the Congress has authorized science to go forward. The science has been peer reviewed. It has been declared to be appropriate. Then for the Congress to come in and say, no, we do not like your peer reviews, we are not going to pay any attention to the scientists, we are going to override it, is, indeed, a bad precedent for us to set.

Finally, from the Americans for Medical Progress Educational Foundation, this quote:

Bion makes sense.

(1) Scientifically it will yield critical knowledge of the effects of space travel on human physiology. This knowledge is essential for the safety of current and future space travelers;

(2) Financially, $14 million of the total $33 million has already been spent. To halt in midstride would mean that all of that money was wasted. More to the point, Russia has funded the vast majority of the costs of all of these projects. If the United States was to attempt to garner this data on its own, the costs could exceed $.5 billion.

In summary then, Mr. President, I am a supporter of the space program. I believe we should move ahead with our attempt to discover and explore in this final frontier. I do not believe that we should prepare the space program to send humans up into space without doing all of the appropriate research that we possibly can on the impact on human physiology of space travel. This program is the most intelligent, the most carefully charted, and the most financially responsible way for us to gather that data.

For those reasons I support the committee's position.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Thank you, Mr. President.

Mr. President, I rise in opposition to the tabling motion and in support of the Bion research project.

My perspective is a bit different than many of the people that you have heard from today in that we have talked this morning and debated this morning about animal research, about the use of various animals, notably monkeys and primates in research.

I stand before you as one who has seen through my own picture window as a heart and lung transplant surgeon, as a heart specialist, as a lung specialist, as someone who spent the last 20 years of his life in the field of medicine, as one who has been a beneficiary of that research and seen the great benefits to mankind, to people throughout the world.

My perspective is one of a scientist who has written over 100 papers that have been peer reviewed. I would like to come through the peer-review process because I think it is not only critical to the way we address this fairly complex issue but one which I think the peer-review process and the importance it places on our review will go a long way to keep us, Members of Congress, from micromanaging the scientific process today.

About 2 months ago I was in Tennessee, and someone came up to me and handed me a picture of a young 6-year-old boy. I did not recognize the boy, to be honest. But the two proud grandparents, I found out later, handed me the picture and were a little surprised I did not recognize him. But I did not recognize him because I had not seen him in 6 years. He was 6 years old. At 3 weeks of age I had done a heart transplant on that young boy when he was, I think, 20 or 21 days of age. Now he is alive today playing baseball and in the first grade. I talked to his parents actually just a couple of weeks ago.

The research which allowed me to take the 5-week-old heart and put it in a 3-week-old individual that has allowed this little boy to be alive today came out of operations on monkeys, rhesus monkeys, and, yes, as a U.S. Senator I can tell you that I have operated on rhesus monkeys. I have done it in a humane way, and those were treated just like other patients—were given anesthesia and were protected. Safeguards were in place. But that little boy is alive today because I learned that procedure and helped to figure out that procedure based on operating on monkeys about 8 years ago.

I can't help but think of a 60-year-old man today who I did a heart transplant on about probably 6 years ago who was kept alive for about 32 days with an artificial heart. That artificial heart I had learned to implant and figured out the details of in animal research spending day after day operating and placing that device in animals before placing it into a human being who is alive today because of the technology and because of the scientific advances that were made because of animal research.

I can't help but think about 1986 when I was engaged very directly in primate research doing heart-hung transplants on monkeys. Just 12 months after doing those heart-lung transplants on monkeys in a humane way, I was able to transplant in a 21-year-old woman who had in-stage heart and lung disease, who underwent the first successful heart-lung transplant in the Southeast back in 1985.

So you can see that I stand before you as someone who has had very direct experience in the benefits of this type of research. I say all of that because a lot of the rhetoric that has sprung around today of monkeys in space and getting monkeys off the taxpayers' backs we really need to put aside and engage this in a very serious and scientific way because this scientific research, I think, can be critical to the safety of human beings both in space but also ultimately in this country.

Much has been said in terms of the peer-review process. Let me tell you as a scientist, as someone who has operated on monkeys, as someone who has taken that research to the human arena, I cannot stand before this body and before the American people and say that I, BILL FRIST, a physician with about 16 years of medical training, can evaluate this specific research. So what do I do? I turn to my peers who are experts, who five times in the past through a peer-review process have looked at these specific projects and said that this is sound research, that this is important research, important research that needs to be carried out in this environment and elsewhere.

We have to be very careful, I think, in this body before engaging in the micromanagement of the type of research that goes on in this country, or that will go on. The temptation is going to always be, I think, to rely upon what feels best to us as legislators, or to people who come before us. I think we have to be very careful, in setting national priorities, to rely upon the medical community, to rely upon the scientific community through that peer-review process.

In that regard, much has been made already this morning of the fact that the Bion experiments have been peer reviewed five times for scientific merit. We have already talked about that. In December 1995 an expert panel of scientists—the Bion Sience Assessment Panel—conducted a review of the science which encompasses the United States and French portions of the experiments. We know that the Bion assessment panel—this was mentioned by the Senator from Wisconsin—recommended certain procedural improvements in program management that overall the panel has commended since as meritorious and recommended that the Bion 11 and 12 missions proceed.

In addition to this 1995 review, we had reviews of outside committees in 1988 and 1992 and 1993. In 1988, a panel convened by the American Institute of Biological Sciences reviewed and determined the scientific merit of the experimental proposal submitted in response to a NASA research announcement.

In March 1992, a second independent review of the integrated United States-French set of flight experiments was conducted to assess continued relevance of rhesus experiments, and again they recommended that the rhesus project should continue. And in July 1993, an independent science critical design review gave the rhesus

project the authority to proceed with the transition to payload development.

I did receive a letter from the Association of American Medical Colleges which most people know represents over 120 accredited U.S. medical schools, represents some 400 major teaching hospitals, represents 74 Veterans' Administration medical centers, 86 academic and professional societies representing 87,000 faculty members and the Nation's 67,000 medical students and 102,000 medical and surgical and other medical specialty residents.

This letter basically says that ''the AAMC is deeply concerned about the precedent the House action sets in terminating research that has been reviewed and approved on the basis of scientific merit. The Bion Project has undergone repeated external expert review.''

They close by saying that the AAMC, that is, the Association of American Medical Colleges, ''strongly supports the use of merit review to determine how limited Federal funds may most productively be spent for scientific research.''

Again, a letter that has been quoted already this morning, from the president of the Association of American Universities, from the president of the National Association of State Universities and Land Grant Colleges, and from the president of the Association of American Medical Colleges reads: ''The Bion missions have been peer reviewed and approved by five independent panels over the past 8 years. The most recent panel found that the quality of science proposed is very high.''

And let me underline this following part, that ''there are no known alternative means to achieve the objectives'' and that ''the animal care and welfare proposals meet all requirements of United States legal standards.''

In closing, as I step back again as someone who has seen the benefits of science in primate research, as someone who has some experience with the peer review process, I would like to caution my fellow Members that we must be very careful in micromanaging biomedical research. That is why we have a peer review process, and that is why it works so well. So let us let that process work.

I do hope my colleagues will support the continuation of the Bion Program for these reasons and resist that temptation to micromanage research which has also met the criteria of numerous peer reviews.

I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Will the Senator yield me 3 minutes?

Ms. MIKULSKI. Absolutely.

Mr. THURMOND. I wish to thank the able Senator.

I rise today in support of H.R. 3666, the fiscal year 1997 appropriations bill for the Department of the Veterans Affairs, Housing and Urban Development, and independent agencies. This is a broad measure which provides appropriations for a variety of programs. It funds veterans, public and assisted housing, environmental protection, NASA, the Federal Emergency Management Agency, and other programs. I commend the managers of this bill for their balanced approach in funding the many Government functions contained in this bill.

Mr. President, let me note a few of the highlights of this bill. This bill reflects the intent of Congress of keeping Government costs under control. The total appropriation, $84.7 billion, is only a slight increase over last year's funding. However, it is $2.8 billion less than the President requested. Reductions to the President's request are primarily in administrative costs. In most program areas, for actual benefits, funding in this bill is above the President's request.

I particularly support the committee's funding proposal for veterans programs. This bill provides $39 billion for veterans, which is an increase over last year's funding and above the President's request. These funds will adequately provide for veterans' compensation and pensions, medical care, and construction projects related to outpatient care, medical research, and veterans' cemeteries.

As a member of the Committee on Veterans' Affairs and as chairman of the Committee on Armed Services, my commitment to the veterans of our armed services remains strong.

I have stated many times that the highest obligation of American citizenship is to defend this country in time of need. In return, this grateful Nation must care for those who are in any way disabled because of their patriotic duty in our Armed Forces. I believe the funding levels in this bill will provide the resources for the Government to meet its obligations to our Nation's veterans.

Again, I congratulate the managers of this bill for the support of our veterans. I yield the floor. I thank the Senator.

Ms. MIKULSKI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

I think we are about to move to the conclusion of this debate, and I think it has been an excellent debate. I think proponents of terminating the Bion Project are, indeed, well-intentioned people in the Senate, the Senator from Wisconsin, and the Senator from New Hampshire, and I think their sensitivity and concern about the sanctity of life should be acknowledged. It is exactly because of our concern about human life that many of us who are proponents of science and technology support well-regulated, well-monitored, well-thought-through and necessary animal research.

The issue of animal research is not new to this Senator. As a Senator from Maryland, I not only have the honor of representing one of the primary space centers in the United States, Goddard, but I also represent the National Institutes of Health as well as Johns Hopkins University and the University of Maryland, all of which engage in very strong scientific research and, in many instances, do use animal testing in their protocols.

So as someone who believes that we need to have scientific breakthroughs to save lives, whether it is at NASA or NIH, I do believe we do need to have animal research in life science projects.

I am not alone in that view. We have heard from a Senator-astronaut, Senator GLENN, from Ohio, who, as we know, was the first astronaut-Senator to orbit the Earth, and I think Senator GLENN is alive today because the first lives to go into orbit were monkeys and we knew how to deal with gravity, how to deal with oxygen, how to make sure that we could launch him and bring him back safely. We heard from the distinguished Senator from Tennessee, Dr. BILL FRIST, a medical doctor, again talking about the compelling nature of doing animal research in order to be able to save human lives.

Much has been said about this project, and I would like to use this opportunity to engage in a factual conversation.

Just to go over some of the facts, I would like to bring to my colleagues' attention that Bion 11 and Bion 12 are two cooperative United States, Russian, and French space flights and they are scheduled to go up October 1996 and July 1998 using Russian Bion biosatellites. Now, Bion spacecraft are satellites that do not have crews on them, so this will be unmanned. They were developed by the Russians, and they fly biological experiments with, yes, primates—rodents, insects, and plants—in near Earth orbit.

In very general terms, the major objectives of these biosatellite investigations are to study the effects of low gravity and space radiation environment on the structure and function of individual physiological systems and the body as a whole.

Understand, this is not the space shuttle with monkeys on it or rodents or insects or plants. These are 8 feet in diameter. They carry a 2,000-pound payload. We have had about 10 of these since 1973. What we are talking about here are 10 monkeys that were on previous Bion missions that were recovered. In the Bion protocols the monkeys are actually recovered. Also, Bion protocols do not include the sacrifice of monkeys. So we are not talking about ghoulish, Kafka, grim practices here. We are talking about research, done on mammals, that has been adequately scrutinized for protecting the animals.

First, the experiments have been peer reviewed four times for their merit. So, no, these are not just idle experiments. They have been reviewed on many occasions for their scientific merit. The

whole point of their scientific merit was to ensure we were getting a dollar's worth of research for a dollar's worth of taxpayer dollars. And, was there another way to do this research on Earth? The answer came back resoundingly that this was valid scientific research and it was worth the money and it was worth the effort.

These protocols are evaluated and monitored for humane treatment of animals. Prior to the external peer review by a group called the AIBS, a scientific group, there was a prerequisite for funding in which the proposals needed to be reviewed by the sponsoring institution's internal animal care and use committee. This is in accordance with the Animal Welfare Act, that every institution that conducts research with Federal funds must have an animal care and use committee, it must include a veterinarian, a scientist, an ethicist, and so on. So, again, it was not ''let's put a bunch of monkeys or rodents in space and put electrodes on them and see what happens.'' All of the scientific protocols were used to ensure the Animal Welfare Act was honored and was practiced on this project.

I knew there would be reservation because this was done by the Russians. We are not in the cold war, so that is not the issue. But, frankly, one of the characteristics of the Russian space agency was the astronauts were known for their incredible bravery. It was an endurance contest. Often, their work focused on endurance test research.

What ours is, though, is more about how we can protect astronauts in space, but also learning from life science projects that would study these biological effects that would protect people here on Earth.

What I am told is that NASA is gathering data on bone mass, muscles, bone structure, healing in space, osteoporosis—something of tremendous interest to me—and so on. This research is leading to enormous medical advances. This benefits you and I and other Americans. We hope to save young children because of Bion research. We are helping to protect women from debilitating bone disease, particularly osteoporosis.

Let me share a few examples. The Bion Project has enabled scientists to study the cause, treatment, and prevention of spinal cord injuries in space by using this primate research. The Bion Project has also produced data on fluid and electrolyte balance. This has tremendous impact on research for people with kidney problems on kidney dialysis. Often, people get sick not only because their kidneys are in failure but because of the failure to maintain an electrolyte balance. It has also looked at the generation of new blood cells and the whole issue of immunology. It is related to cancer research.

We could give many examples of this. One of the things I think has also been very important is, because of the technology to monitor the primates, we have also been able to improve other monitoring systems—for example, on fetal health, which I know is of great interest to many of our colleagues. The 8 joint Bion missions to date have produced access to space for 100 U.S. experiments, 90 peer review journals, and has accounted for one-half of all the life science flight experiments accomplished with nonhumans. According to NASA, similar unmanned satellite programs developed by NASA alone, without Russian support, would cost 20 to 30 times as much.

It is not our job to review the project for scientific merit. In fact, that has been established. It has been reviewed four times for that merit. I believe we need to ensure the ongoing part in this.

Ames Research Center has an excellent animal care program, as demonstrated by its full accreditation by the Association for the Assessment and Accreditation of Laboratory Animal Care International. This is a nonprofit organization that reviews animal research around the facilities to make sure they are fit for duty and humane in their operation.

So I think this project is of merit. I think we should continue it. I do not think we should cancel it.

Earlier in the conversation, someone talked about the OSTP, the President's Office of Science and Technology. They also do support the project. I have a letter here from Dr. Gibbons stating that. I ask unanimous consent that be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, July 25, 1996.

Memorandum for Dan Goldin, Administrator, NASA.

From: John H. Gibbons, Assistant to the President for Science and Technology.

Subject: BION Task Force Recommendations.

Thank you for transmitting to me the recommendations from the BION Task Force of the NASA Advisory Council. I was pleased that you decided to form the Task Force to provide you with independent and expert advice on the program. Their recommendations are clear and confirm earlier findings by other groups charged to review BION missions 11 and 12. The scientific merit of the proposed research, as determined by rigorous peer review, was judged as excellent and important to the future of manned space flight. Furthermore, it is noteworthy that the review panel observed that there is no known alternative means to achieve the objectives of the program. I also was pleased to learn that the animal care and welfare proposals for the Rhesus monkeys meet U.S. legal standards. Finally, I am sympathetic with the Task Force's compliments to NASA for its leadership in bioethics and their encouragement for NASA to expeditiously implement a bioethics review policy, thereby continuing its leadership in this important arena.

Ms. MIKULSKI. It said:

I was . . . pleased to learn that animal care and welfare proposals . . . meet U.S. legal standards . . . and the [NASA] task force compliments . . . its leadership in bioethics [as well as its scientific merit].

So, when you hear from the Senator from Ohio, the Senator from Tennessee, the scientific community, I think the evidence speaks for itself.

I know the Senator from New Hampshire wishes to conclude the debate on this, and that is his right. We respect that. I just ask unanimous consent that, when the Senator makes his tabling motion, the vote occur at 2:15.

I will reel that right back in. Senator BOND and I were trying to expedite the vote. It is just a clarification of the time. Many of our colleagues on both sides of the aisle are flying back in. They may be delayed until afternoon, and I know they want to have their voices heard on this most important amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, this debate, on the part of those who are defending the project, I must say, has been very skillfully conducted. Frankly, someone who was paying maybe just a little attention to this and not to all of the detail would probably agree with them. It is unfortunate the debates and facts get twisted on the floor of the Senate as they do.

This basically now is coming down to being an anti-NASA vote, which it is not. I have made a very strong point earlier in my comments about my strong support for NASA.

It does not take one dime from NASA. It allows NASA to reprogram the money into areas that I believe and I think NASA would probably agree are more important.

It is also coming down as being total opposition to any and all research that has ever been done on animals in the name of helping human beings. That is not the issue either.

The issue is very simply this: Do you continue to do research after you have gotten the facts? Do you continue to do research over and over and over again for no reason?

No one has presented any good reason for this project. There have been some general statements made about research by some very sophisticated people who I certainly respect, such as the Senator from Tennessee. That is not the issue. Once you develop a vaccine or once you develop something that cures a disease, do you continue to do the same research on the same vaccine over and over and over again once you have found out what it does? If you vaccinate your child against smallpox, do you continue to vaccinate over and over and over and over and over again, or is there some limit? That is the issue. Do you want to continue to waste $15.5 million on research which is duplicative or don't you? That is the issue.

The Senator from Maryland said a few moments ago, ''It's not our job to review this project, or any project, for scientific merit,'' referring to this project. ''It's not our job to review this project for scientific merit.''

I ask my colleagues, if it is not our job, since this bill is before us, whose

job is it? Whose job is it? The White House said, ''We don't need this project.'' In essence, that was the conclusion they drew. The Administrator of NASA, in a memo that cites him, basically agrees that we do not need it. The House of Representatives has voted overwhelmingly, 244 to 170-something that we do not need it. So if it is not our job to review it, why is it here? Why is it in this bill? Whose job is it to review?

When we take that attitude, that is one of the reasons why we have a $5 trillion debt, Mr. President, because no one wants to take the time to review these projects, and the truth of the matter is, we have oversight responsibility in this body, and I take it very seriously. So we should review it. We should review everything. We do not review enough. If we reviewed more, we would find a lot more waste.

There has been a lot of testimony from people who are experts, and some who pretend to be experts, in this debate. Let me cite a couple, because I think it is important to get some balance here.

Sharon Vanderlipp is a veterinarian. She writes a letter to me in which she says:

As former chief of veterinary services for NASA Ames Research Center—

That is where this work is done; that is who supervises this project.

As former chief of veterinary services for NASA Ames Research Center, and as a veterinarian with more than 15 years experience in the specialty of laboratory animal medicine—

I hardly would consider her an animal rights activist, I think we could draw that conclusion fairly safely. She spent 15 years in laboratory animal medicine—

I am writing to request your support of Smith-Feingold regarding the Bion experiments. I support animal-related research when there are no other research alternatives and when the derived benefits justify the loss of animals lives and monetary expenditure.

This is not the case in the Bion project.

It is the charge of the U.S. Senate to represent the will of the constituency in determining how their tax dollars will best serve them. There is still time to salvage this $15 million.

During my service at NASA Ames Research Center, July 1993 until my resignation in March of 1994, a review of the medical records of the nonhuman primates indicated NASA's failure to provide appropriate surgical monitoring, pre- and post-operative care. Post-operative deaths were not uncommon. These records were reviewed indepth by myself and included animals involved in the Bion protocols.

She goes on to talk about some other violations.

NASA officials repeatedly ignored my request for assistance in resolving a variety of animal welfare related issues.

She also says:

Many of the individuals associated with the animal research components of Bion protocols are the same individuals who demonstrated a total lack of respect for animal welfare laws.

And on and on.

Mr. President, there are people who are very close to this project, highly respected people, who differ, as we heard differing opinions expressed here earlier. I respect those differences. It does not mean, though, that just because they have differences that they are correct.

I have a page here listing seven or eight physicians. Senator FRIST is a physician. I respect him. But here are physicians who disagree with him on this project. Let me just read a couple.

Dr. Roger White, board certified anesthesiologist, Mayo Clinic, Mr. President—Mayo Clinic:

Any assessment must be reviewed as one of the most invasive experimental procedures ever imposed on an animal, beginning with surgical procedures of implementation of multiple monitoring devices. It is particularly aggressive to the point of being macabre as well as cruel.

The Senator from Maryland said all this was done in the best interest of the animal, nothing macabre was done. I am not sure that was the term she used.

Let me read exactly what is done. I think we should know what is done. It is the subject of debate. I do not think this is the only issue, but I think we should say what is done.

Now remember, no matter how you feel about research, this is done because, and Senator GLENN brought this up, we want to determine the effects of weightlessness on these animals in space. Astronauts train and exercise vigorously in space to keep their muscles and their bones moving so that they don't atrophy, if you will. These monkeys are restrained. They cannot move. So I ask whether or not this kind of treatment is necessary now in this day and age after we have had astronauts in space over 400 days at a time to determine the effects of weightlessness on monkeys who are restrained, who cannot move.

I do not know what ''macabre'' means. I do not know what ''gruesome'' means or ''grotesque'' means. I thought I knew what it meant until I heard the statement from the Senator from Maryland. If this isn't, then I would like to know what it is.

This is in a letter to Daniel S. Goldin from Leslie Alexander of the Houston Rockets. They live in the Houston area, have business in the Houston area. They are very supportive of NASA and the space program, as I am. This is what is done to the animals in question:

The Bion space project causes unimaginable suffering to the young monkeys.

Again, thinking of the words ''macabre,'' ''cruel,'' whatever you want to call it. If you don't think it is, fine, then you should vote the other way.

The tops of the monkeys' skulls are opened, electrodes are wired to their brains, holes are cut in their eyelids and eyeballs, wires are run through the holes and stitched to their eyeballs. The wires are threaded under their scalps to reach the circuit boards cemented into the openings in their skulls. Eight holes are then drilled into each monkey's skull so a metal halo can be screwed into it for immobilizing the animal for up to 16 days. Fourteen electrode wires hooked up to seven muscles in the monkeys' arms and legs tunnel under the skin and exit from a hole in the animals' backs. A thermometer is surgically buried in each animal's stomach and it too exits their backs. Straight jackets are sown on to monkeys to keep them from ripping the wires out of their bodies.

He goes on to say that this project is cruel, pointless, wasteful, scandalous, shameful, and harmful to NASA's reputation.

Mr. President, if you assume—if you assume; I do not—but if some do, that this type of medical research is necessary, then why do it after you have the results? How does a monkey, restrained, that cannot even move, how does this experiment in space help anybody find out anything? And the truth of the matter is, Mr. President, it does not. And everybody in NASA knows it. Mr. Goldin knows it. The White House knows it. And 244 Members of the House know it. But somebody in this Government, some bureaucrat, somebody who is not in a leadership role on this, has decided otherwise.

So they send in this stuff. And they make it out to be an issue that somehow if you oppose this kind of treatment, that somehow you are opposed to all research, that you want to let heart doctors not have the opportunity to test and to do the things they have to do to determine how to operate on a human being. It is outrageous to make those kinds of statements on the floor of the U.S. Senate. This is a repetitious, unnecessary, experiment putting these monkeys through this for 14 days in space to find out the effect of weightlessness, when an astronaut moves around. He exercises. They give them, as the Senator from Ohio knows, prescribed exercises to do in space. They move around. A monkey in a straitjacket cannot move. And yet we still are doing it.

This is not 1960. This is 1996. We have had 40 years of humans in space. Why are we doing it? Because somebody, whom we cannot identify—no name has been given—in this bureaucracy has decided we have to have it. And it is being painted that this Senator is opposed to NASA. This Senator supports NASA. This Senator wants money to be spent in NASA for worthwhile projects, not wasted on this. We need to ask ourselves, is this the way the American people want us to spend their money?

Dr. David Wiebers of the Mayo Clinic, chairman of the neurology/epidemiology department:

I write this letter from the perspective of an academic and practicing neurologist who supports progress in medicine but who also has considerable concern about the well-being of animals who are utilized in experimental procedures, particularly when those procedures are not scientifically necessary . . .

That is the issue here, not sickness.

. . . and when they involve cruelty to animals . . . it is my opinion that the scientific

gains from these procedures will be insignificant. Moreover, these particular animal studies are extremely invasive and would be expected to cause major discomfort . . .

He is opposed to the project.

Mr. President, I ask unanimous consent that a sheet entitled ''Doctors say YES to the Smith-Feingold amendment to H.R. 3666'' be printed in the RECORD. It is a long list of physicians, very well-respected from Stanford, as well as the Mayo Clinic and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOCTORS SAY YES TO THE SMITH-FEINGOLD AMENDMENT TO H.R. 3666

(Excerpts from statements from physicians and scientists who reviewed NASA's Bion 11/12 protocols)

By any assessment this must be viewed as one of the most invasive experimental procedures ever imposed on an animal, beginning with the surgical procedures of implantation of multiple monitoring devices. ''Surgery #3'' is particularly aggressive, to the point of being macabre as well as cruel.—Roger D. White, M.D. Board-Certified Anesthesiologist, Mayo Clinic.

I write this letter from the perspective of an academic and practicing neurologist who supports progress in medicine but who also has considerable concern about the well-being of animals who are utilized in experimental procedures, particularly when those procedures are not scientifically necessary and when they involve cruelty to animals. . . . It is my opinion that the scientific gains from these procedures will be insignificant. Moreover, these particular animal studies are extremely invasive and would be expected to cause major discomfort. . . .—David O. Wiebers, M.D. Board-Certified Neurology/Epidemiology, Chair, Mayo Clinic.

This kind of animal experimentation might have proceeded only a few years ago with little or no comment or objection. Now it cannot and must not. If human alternatives cannot be identified, as the investigators assume, then this project should be abandoned or radically revised and reviewed again.—Jennifer Leaning, M.D., M.S. Hyg. Board-Certified Internal/Emergency Medicine, Harvard Medical School

During my service at NASA/Ames Research Center (July 1993 until my resignation in March 1994), a review of the medical records of the non-human primates indicated NASA's failure to provide appropriate surgical monitoring, pre- and post-operative care, and analgesia. Post-operative deaths were not uncommon. . . . NASA officials told me NASA had no control over the care of BION monkeys in Russia. Veterinarians participating in the project who had visited the Russian facility and observed the animals on location told me conditions were ''draconian'' and that the animals received food of little or no nutritional quality.—Sharon Vanderlip, D.V.M. former Chief of Veterinary Service, NASA/Ames Research Center.

The question is: [W]ill this project substantially contribute to [astronauts'] health in future space missions? . . . My answer is that it will not. The rationale for this project, as set forth in the protocols I reviewed, is completely insufficient to justify continuation of this work.—Robert Hoffman, M.D., Board-Certified Neurologist, Stanford University.

[H]uman data would be more valid and cost-effective than animal data. Many of the surgical procedures are minor for humans (anesthesia being necessary in animals for restraint.) A cooperative human subject would not require some procedures which are done for fixation. . . . I am not convinced that this project will provide meaningful information in a cost-effective manner.—Dr. Dudley H. Davis, M.D., Board-Certified Neurologist.

[T]here have been a vast number of . . . sophisticated studies of . . . vestibular function performed in humans, above and beyond [the huge number using] animals, without any appreciable gain. . . . [C]learly this same old type of stimulate/record study of . . . pathways which has been done exhaustively offers no probability of affording any significant advancement.—Carol Van Petten, M.D., Board-Certified Neurologist.

The only benefit ascertained in my estimation is the continual drain of dollars out of the taxpayer's pocket and into the pockets of ''researchers'' like the irresponsible scientist[s] . . . who [are] common denominator[s] in all of this quackery.—Jack M. Ebner, Ph.D., Physiologist.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Missouri.

Mr. BOND. Mr. President, if I might interrupt to propound a unanimous-consent request.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for the purposes of that unanimous-consent request?

Mr. SMITH. Yes.

Mr. BOND. Mr. President, I believe we have reached agreement on the unanimous-consent request that the vote on the tabling motion, which Senator SMITH is about to propound, occur at 2:15. After he makes that motion, then the pending amendment would be set aside, and Senator MCCAIN would be recognized to offer an amendment or amendments. And we would recess at 12:30 and come back in to vote at 2:15. And when that vote is concluded, Senator BUMPERS will be recognized to offer his amendment related to the space station. There is no time agreement on that. But debate will begin at 2:30 roughly, 2:30, 2:35, while the Iraqi briefing is going on. Would my colleague care to comment on it?

Ms. MIKULSKI. Mr. President, the Democratic leader has instructed me, on behalf of our side of the aisle, to, upon the completion of the Senator from New Hampshire's debate and his anticipated motion to table, that we agree to the unanimous consent that a vote occur at 2:15. We further agree that between now and the time we recess for party caucuses that Senator MCCAIN will be speaking on his veterans amendments. And the Democratic leader also agrees to the unanimous consent that upon the completion of the vote on the Feingold-Smith motion, that we move to the debate on the space station as proposed by Senator BUMPERS.

Mr. BOND. Mr. President, I, therefore, propound a unanimous-consent request that when Senator SMITH makes his tabling motion, that that will be set aside with a vote to occur on that amendment at 2:15, that when he completes the propounding of that motion, then Senator MCCAIN be recognized to offer his amendment or amendments, further, that upon the completion of the vote on the Smith-Feingold motion, Senator BUMPERS be recognized to offer his amendment on the space station.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chair and I thank my colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Thank you, Mr. President. Colleagues are here who wish to speak. I will be very brief. In another few moments I will be completing my remarks. I will then move to table.

Mr. President, I have cited a number of doctors who have indicated their opposition to this. Again, one other one I want to mention comes from Dr. Neal Barnard who wrote me a letter regarding whether or not this is research that is worthwhile or not.

Relevant studies have already been conducted on humans, the results of which are obviously more pertinent to human space flight. Extensive data is also available from previous human space missions, some which have exceeded 400 days. NASA's experiments using rhesus monkeys to study motion sickness, calcium loss and ''sea legs'' are not applicable to humans at all. The physiology of monkeys and humans differ drastically. A restrained monkeys with electrodes implanted in his legs cannot hope to offer insights into the largely neurological, short-lived and self-correcting problem of ''sea legs. ''* * * We already know of methods to limit calcium loss and treat the symptoms of the motion sickness and ''sea legs.''

Of course, in this case the monkey is restrained. So any benefits would be minimal.

Again, Mr. President, let me conclude on these few points. Sending a primate into orbit 30 years ago, 40 years ago, you could claim there would be some justification. But this is 1996. We have had, as I said, 38 to 40 years of humans in space. Even our two highest science officials in the memo I already cited have said that project is not necessary.

We have had humans in space for over 400 days at a time. Just about the time astronauts begin experiencing some of the problems associated with weightlessness the Bion trip with the monkeys end. Most of the weightlessness problems referred to by Senator GLENN happened after the 14th day in space. And these monkeys are brought out of space in 14 days. In the 2-week Bion missions the animals are being monitored by remote electronic instruments.

The February 1996 Bion science assessment report said a major weakness of the overall project is the limited data collection capability. Many of the experiments planned for Bion 11 are weakened by the lack of a digital data storage. There are any number of people who would indicate that this research is bad.

The second reason is even less of value, the bulk of research that would

deal with muscle loss and bone deterioration. Our astronauts are placed on rigorous exercise regimes, as the Senator from Ohio knows, while the animals are strapped in and remain immobile.

It is my understanding, Mr. President, that all of the members on the assessment panel that the proponents have all cited—they have all been cited here—admitted that the fact that the animals are restrained is a major flaw.

Let me just end on this point, Mr. President.

I don't know where the votes are going to fall on this. But, look, this is $15.5 million spent on a program that is supposed to look at the weightlessness of monkeys in space when, in fact, we have had humans in space for almost 40 years, and inflicting unbearable pain on these animals. To do that kind of thing for no reason, I think there is no validity to it. I think it says a lot about a society, a lot about the people in the Senate, frankly, who have the courage to stand up and say, you know, the Citizens Against Government Waste are correct that this is a waste of taxpayers' money. They are going to rip this vote, and they should. It is a waste of taxpayers' money, and whether you are an animal rights advocate or you want to save taxpayers' dollars, it doesn't matter.

I don't really particularly care which side you are on. I just need your vote. That is the point. The point is that it wastes Government money. If you want to stop wasting Government money, you ought to vote to table the committee amendment, and if you believe that you should not do duplicative research on animals—not eliminate all research—then you ought to vote for the amendment.

So I think that really says all that needs to be said.

Mr. President, at this time, I move to table the committee amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the question will be before the body at 2:15 this afternoon, consistent with a previous order.

Under the previous order, the Senator from Arizona is recognized.

AMENDMENT NO. 5176

(Purpose: To control the growth of Federal disaster costs)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 5176.

On page 75, line 10, after the word ''expended'' insert the following: ''*Provided,* That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of marinas or golf courses except for debris removal: *Provided further,* That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks: *Provided further,* That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

Mr. MCCAIN. Mr. President, my understanding is that this amendment is accepted by both sides of the aisle. That is my understanding. I would be glad to have a rollcall vote, but I believe it will be accepted.

Mr. President, this amendment would restrict the Federal Emergency Management Agency [FEMA] from spending funds on certain low priority items. Specifically, the amendment would prohibit FEMA from expending funds for the repair of marinas or golf courses except for debris removal, for tree or shrub replacement except in public parks, and limits what can be repaired at recreational facilities.

This amendment is based on recommendations made by the inspector general at FEMA. The inspector general's report concludes,

. . . that while grant funding appeared to be within the legal parameters of the program, policymakers may want to consider whether program eligibility should continue to include repairing such nonessential facilities as golf resorts, marinas for large boats, tennis courts, archery ranges, and equestrian trails, all of which serve a relatively small segment of the population.

This amendment gives us that opportunity.

According the IG's report, based on their inspection sample alone, had this amendment had been in effect, about $171 million could have been saved. That $171 million could have used to assist others more in need.

Some will argue that adoption of this amendment would place greater burdens on State and city governments. While that is partly true, it ignores the fact that the Federal Government does not have an automatic obligation to repair city and State facilities. For example, FEMA spent $5,687,002 to repair the Anaheim Stadium scoreboard.

While I am sure that the good people of Anaheim appreciate this Federal largess—and will undoubtedly enjoy watching their sporting events with a working scoreboard—such repair is not a Federal responsibility.

The Anaheim Stadium is an entity that charges admission. I would assume it strives to make a profit. Yet I have heard of no one offering to pay back the Federal Government for its investment. And I'm not sure that many would believe that scoreboard repair is something that would fall under the responsibilities of FEMA.

Mr. President, there are needs in my State of Arizona that FEMA has promised to address but has yet to fund. And this is only one of many examples from around the country. In Kearny, AZ, flooding washed out a bridge that allowed students to go to school. FEMA has agreed to fund the building of a new bridge, but has yet to produce the needed dollars.

Mr. President, I am not asking that Arizona be treated differently than any other State or that a problem in my State be given any preferential treatment. But I highlight this issue because allowing children to go to school is more important than the repair of a scoreboard or the fixing of a golf course.

Mr. President, the Disaster Relief Act of 1970, specifically excluded States and local facilities ''used exclusively for recreations purposes'' from receiving Federal funds. In subsequent disaster relief legislation, Public Law 93–288, the authorizing committee chairman stated ''such funds should not be spent on golf courses, football or baseball fields, tennis courts, parks or picnic areas * * *.'' Yet the law does not specifically prohibit such expenditures.

The inspector general's report states:

[A] community hit by a disaster needs to have its hospitals, schools, and police department functioning as soon as possible; it does not need to have its golf course repaired, or not at federal expense. However, as the Public Assistance program currently operates, a golf course is just as eligible to receive grant funding as a hospital, a marina is just as deserving as a school, and an equestrian trail is just as worthy as a police department.

Mr. President, I hope that the people at FEMA will be able to prioritize a little better than they have. Unfortunately, now we have to take legislative action. We must prioritize where Federal dollars are spent and golf courses, horse trails, and luxury boat marinas simply are not high priorities.

Mr. President, since its creation, FEMA has been the Federal Government's disaster response agency. In recent years, we have come to depend more and more upon FEMA. And although FEMA has been criticized at times for acting too slowly, it has done an admirable job. From the hurricane disasters on the east coast, to the California earthquake, to the flooding along the Mississippi River, FEMA has reacted to help those most in need.

FEMA deserves praise for all its good work. But it also appears that a change in the law that dictates how it spends tax dollars is clearly in order.

I recall being here on the Senate floor when the junior Senator from California made an impassioned plea to pass the California earthquake emergency appropriations bill. She showed the Senate pictures of the disaster and some of the unfortunate individuals affected by it. Those pictures were stirring, and the Senate quickly passed the bill. Well, I would like to share some pictures that tell a less compelling story.

This first picture is of the city of Indian Wells, CA, golf course—which is known as a vacation resort facility. Indian Wells has a population of about 2,600 people and one of the highest household incomes in the country: Approximately $100,000, which is almost triple the national average of $32,000.

The city has four private golf courses. This course, which is open to the public, charges a staggering $120 per person—including cart—for a round of golf. And because of the cost to golf at Indian Wells, the course runs a surplus of about $1 million a year.

Yet, Mr. President, when in 1993 the golf course sustained flood damage, FEMA gave the city of Indian Wells $871,977 to repair cart paths, sprinkler systems, and erosion. Mr. President, the general public does not—or cannot afford—to use a golf course in a resort vacation community that charges $120 per person. And spending the general public's money to restore this exclusive golf course is just wrong.

The next picture is that of the Links at Key Biscayne. This course received $300,000 for tree replacement.

The famous Vizcaya Mansion Museum and Gardens in Dade County, FL, received over $70,000 for uninsured tree and shrub damage. The IG report notes,

. . . [that] since the county charges an admission fee to tour the museum and gardens, policymakers should determine whether the Federal Government should be responsible for restoring the opulent gardens of a tourist attraction.

The next picture is of the Dinner Key Marina in Miami, FL. This marina only allows boats to use its slips if such boats are 30 feet or more. Slip fees range from $230 to $850 per month, the equivalent of the monthly housing rent for most Americans.

Mr. President, I had my staff call some local boat stores there. They were informed that the cost of a 30-foot basic yacht starts at about $90,000. Not many middle and lower income individuals that I know of can afford a $90,000 yacht. Clearly, this facility is used only by the wealthiest of individuals, and not by the general public.

Simply said, FEMA should not be spending its money on these projects. Mr. President, FEMA did not have to spend money on these golf courses and marinas, but the Agency chose to. And the money was, indeed, spent. We can't afford to continue this practice.

I recognize that natural disasters do not discriminate. They affect the poor and the rich. The Federal Government's dollars are limited, and we cannot afford to spend them equally on the poor and the wealthy. We must prioritize how we spend the taxpayers' money. We only have a finite amount of money to spend. And as long as natural disasters continue to occur—and indeed they will—we cannot afford to continue to fund these kinds of repairs.

There are many examples of waste and abuse of FEMA funds in this manner, in the manner I have elaborated here, and this amendment would stop that waste. I hope that it will be adopted.

Mr. President, the inspector general made a report in May of 1996 entitled ''Intended Consequences—the High Cost of Disaster Assistance for Park and Recreational Facilities.'' I think it is a very worthwhile document.

Just to quote from a couple of findings on page 10, it says:

Based on our sample, we found that FEMA has paid millions of dollars for tree replacement in golf courses, parks, and other recreational areas. Crandon Park in Key Biscayne, Florida, received almost $3.5 million for tree replacement as a result of Hurricane Andrew. Approximately $1.7 million, or almost half of this amount, was to replace trees in areas that were not used for recreational purposes. More than $1.6 million of the $1.7 million was to replace trees in a 3.5 mile stretch of a median strip and swale areas (side of the road) through the park that were damaged in the disaster and $100,000 was to replace trees in parking lots.

Ms. MUKULSKI. Will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield.

Ms. MIKULSKI. For purposes of clarification, this Senator knows full well that the Senator from Arizona is a graduate from the Naval Academy, and knows essentially the issues around the Chesapeake Bay. I am very sympathetic to the Senator's desire to implement the report of the IG. I have another flashing light about the marina issue.

Let me ask a few questions because the Senator knows from his time on the bay that we have 2,300 miles of shoreline with many marinas, and they are the small businesses, kind of general stores along the water. Some are higher income persons, as the Senator said. But a lot of them are owned by people named Buck, and this is what keeps them going.

My question is about the consequences of the Senator's amendment. Is the prohibition limited only to publicly owned marinas, or does it include private sector marinas as well?

Mr. MCCAIN. I believe, according to the inspector general's report, that it would exclude marinas from receiving any Federal funds—this is their report—except for debris removal.

Marinas in our inspection sample incurred over $22.3 million in disaster damage, not including debris removal costs. Most of these marinas are for recreational boaters and serve a small segment of the public. Some of the marinas . . . generated enough revenue to cover their operating expenses prior to the disaster, and a few of them produced excess revenue which was transferred to the local government's operating general fund accounts. Most of the damage to the marinas was to piers and docks rather than buildings, which were insured. The impact would be mitigated by purchasing insurance, which some of the marinas have already done for their buildings.

Within our inspection sample we found that eliminating marinas would have resulted in Federal savings of at least $17 million.

In commenting on a draft report of the associated direct response recovery directive, it was difficult to justify excluding marinas while allowing other types of like facilities which are also designed for recreation, such as swimming pools . . . tennis courts . . . because of the cost, marinas generally cater to a small segment of the population.

So in answer to the question, if there is a way to shape this legislation in either the report or in amendment language so that we could make sure that where there are low-income people and low-income boaters and not the minimum of 30-foot vessels, then I would be more than happy to work with the Senator from Maryland to clarify the intent of this language.

Ms. MIKULSKI. I appreciate the Senator's courtesy.

If I might comment, first I want to reiterate my support for the IG report and for the general thrust of the Senator's amendment. I thank him for the courtesy of acknowledging the cost and the very nature of the geography of the State of Maryland with its 2,300 miles of shoreline. When it says ''small impact,'' that might be true with all of the continent, but Maryland is unique.

I know the Senator from Missouri wishes to accept the amendment. I wish to cooperate. I wonder if our staff can see what we can do to ensure that the issue of marinas—that we get rid of waste, but yet I want to protect the small business guys that are named Buck and Harry. The Senator knows what I am talking about.

So if I could have the concurrence, I look forward to working with the Senator. Again, I thank him for his courtesy.

Mr. MCCAIN. Mr. President, I would like to thank the Senator from Maryland. She raises a very valid point. There are mom-and-pop operations at marinas. I would be happy to try to work with her in discriminating between those kind of facilities that are only available to a few. I think we can work that out.

I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. We can't agree to a modification until we know what the modification is.

Mr. MCCAIN. I ask unanimous consent that my amendment be set aside until such time as we reach agreement for modification, and then we will bring it up at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, could I also ask my friend from Missouri—as he knows, I have two other amendments. One, I believe, is in discussion stage with his staff, and the other, I believe, is acceptable to him. Would he like me to discuss either one or both of those amendments at this time or wait until a later time?

Mr. BOND. Mr. President, I would like to confer with my ranking member to determine whether one of those might be accepted now. I do have a couple of minutes. I would like to comment on this FEMA amendment because this is a very important and very complicated issue.

Ms. MIKULSKI. Is that the concern the Senator has about the population changes and so on? We have discussed this. I believe the Senator in his steadfast way has represented that he would like to offer an amendment on another

issue, and I think we could take it. Does the Senator from Missouri desire to acquiesce in that?

Mr. BOND. Mr. President, I think we can take that amendment. I have some further comments on that to accommodate my colleague. I will save those comments.

Mr. MCCAIN. Mr. President, I would be glad to put my statement in the RECORD because, as the distinguished managers of the bill know, this issue has been ventilated on numerous occasions. I point out that for 3 years this amendment has been accepted and then dropped in conference. So I feel compelled here in the fourth year to ask for a recorded vote to make sure that the Senate is completely on record on this issue, in all due respect to my two dear friends and colleagues. But 3 years in a row is enough. I would be glad to submit my statement for the RECORD.

On that amendment, I will be asking for a recorded vote at the appropriate time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. We have a unanimous-consent agreement to proceed to the space station amendment at 2:30. That will require a vote. I ask unanimous consent that a vote on Senator MCCAIN's amendment relating to the VA resource allocation be placed immediately after the vote on the space station amendment.

I ask unanimous consent that no second-degree amendments be in order on the McCain amendment on VA resource allocation and that that vote be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 5177

(Purpose: To require a plan for the allocation of Department of Veterans Affairs health care resources)

Mr. MCCAIN. Mr. President, reserving the right object, I do not intend to object, but I think it would be necessary for me at this time to send the amendment to the desk. I ask indulgence of my colleagues to do so.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 5177.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans who have similar economic status, eligibility priority, or medical conditions and who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network and the Resource Planning and Management System developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, this is the third year in a row that Senator GRAHAM of Florida and I have sponsored legislation to better allocate health care funding among the Veterans Department's health care facilities. Despite the fact that this amendment would enable veterans to receive equal access to quality health care, no matter where they live or what circumstances they face, this piece of legislation has never been made law.

Mr. President, in March 1994, I originally brought to Secretary Jesse Brown's attention the inequity in veterans access to health care. Despite their knowledge of the problems in the system that is currently being used, the Department of Veterans Affairs is still using an archaic and unresponsive formula to allocate health care resources. This system must be updated to account for population shifts. That is why Senator GRAHAM and I are continuing our efforts, for the third year in a row, to change the way health care is allocated among veterans health funding by eliminating funding disparities among VA health care facilities across the country.

The veterans population in three States, including Arizona, is growing at the same time that it is declining in other parts of the country. Unfortunately, health care allocations have not kept up with the changes. The impact of disparate funding has been very obvious to me during my visits to many VA Medical Centers throughout the country, and particularly in Arizona, and was confirmed by a formal survey of the Carl T. Hayden VA Medical Center in Phoenix, which was conducted by the Veterans of Foreign Wars [VFW] in April 1994.

The problem has been further verified by the General Accounting Office [GAO] in a report entitled ''Veterans Health Care: Facilities' Resource Allocations Could be More Equitable.'' The GAO found that the Department of Veterans Affairs continues to allocate funding based on past budgets rather than current needs, and has failed to implement the resource planning and management system [RPM] developed 2 years ago to help remedy funding inequity.

Mr. President, the GAO cities VA data that the workload of some facilities increased by as much as 15 percent between 1993 and 1995, while the workload of others declined by as much as 8 percent. However, in the two budget cycles studied, the VA made only minimal changes in funding allocations. The maximum loss to a facility was 1 percent of its past budget and the average gain was also about 1 percent.

This inadequate response to demographic change over the past decade is very disturbing, and, I believe, wrong. To illustrate the problem, I would point out that the Carl T. Hayden VA Medical Center experienced the third highest workload growth based on 17 hospitals of similar size and mission, yet was only funded at less than half the RPM process.

Mr. President, the GAO informs me that rather than implementing the RPM process to remedy funding inequities in access to veterans health care, the VA has resorted to rationing health care or eliminating health care to certain veterans in areas of high demand.

The GAO says:

Because of differences in facility rationing practices, veterans' access to care system wide is uneven. We found that higher income veterans received care at many facilities, while lower income veterans were turned away at other facilities. Differences in who was served occurred even within the same facility because of rationing.

The GAO also indicates that there is confusion among the Department's staff regarding the reasons for funding variations among the VA facilities and the purpose of the RPM system.

Mr. President, this problem must be addressed now. This amendment compels the VA to take expeditious action to remedy this serious problem and adequately address the changes in demand at VA facilities.

To conclude, I want to reiterate that I find it simply unconscionable that the VA could place the Carl T. Hayden VA Medical Center at the bottom of the funding ladder, when the three VA medical facilities in the State of Arizona must care for a growing number

of veterans, and are inundated every year by winter visitors, which places an additional burden on the facilities.

I ask unanimous consent that the VFW survey be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. MCCAIN. I also want to finish my time by emphasizing to this Senate that the problems that exist at the VA have occurred for years, and that it is about time that we change the system to give our veterans the better care they deserve.

EXHIBIT 2

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, April 7, 1994.

In Reply Refer to: 94–24.

JOHN T. FARRAR, M.D.,

Acting Under Secretary for Health (10), Veterans Health Administration, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert F. O'Toole. Senior Field Representative, conducted a survey of the Phoenix, Arizona, Department of Veterans Affairs Medical Center, on March 14–15, 1994. During his time at the medical center, he was able to talk with many patients, family members and staff. This enabled him to gather information concerning the quality of care being provided and the most pressing problems facing the facility.

While those receiving treatment in the clinics and wards felt that the quality was good, they almost all commented on the long waits in the clinics and the understaffing throughout the medical center. In discussing their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O'Toole in tears when completing their tour. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the shortage in staffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the station was grossly underfunded. Which means that the staff must either take unwanted shortcuts or continue to work beyond the point expected of staffs at the other medical centers. While it is well understood that the Veterans Health Administration is underfunded throughout the system, it is clear from the comparisons that this facility has not received a fair distribution of the available resources resulting in the deplorable situation now facing the health care team.

Another problem in Phoenix that must be addressed is the serious space deficiency, especially in the clinical areas. The ambulatory care area was designed to handle 60,000 annual visits. In fiscal year 1993, the station provided 218,000 annual visits, almost four times the design level. Many physicians are required to conduct exams and provide treatment from temporary cubicles set up inside the waiting rooms. This bandaid approach has added to the already overcrowding.

The other problem that we feel should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Veterans Medical Center. Currently, the medical center has a FTEE of 1530 which is over the target staffing level. Based on available reports, the medical center would need an additional 61 registered nurses just to reach the average Resource Program Management (RPM) within their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and 158th overall. To reach the average productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is realized that this station will never be permitted to enjoy that level of staffing, it is felt that they, at the least, should have been given some consideration for their staffing problems during the latest White House ordered employee reductions.

To assist the medical center to meet their mandatory work load, and the great influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been given Phoenix in addition to their FY 94 budget be provided. To enable the station to handle the ever increasing ambulatory work load, the Veterans Health Administration must approve the pending request for leased clinic space in northwest Phoenix and, the implementation plan for the use of the Williams Air Force Base hospital as a satellite outpatient clinic, along with the necessary funding to adequately operate the facility. In addition, VHA should approve and fund, at a minimum, the expansion of the medical centers clinical space onto the Indian School land which was acquired for that purpose.

Approval of the above recommendations would make it much easier for this medical center to meet the needs of the ever increasing veteran population in the Phoenix area. There is no indication that the increasing population trends will change prior to the year 2020. This hospital cannot be allowed to continue the downhill slide. The veterans of Arizona deserve a fair deal and the medical staff should be given the opportunity to provide top quality health care in a much less stressful setting.

I would appreciate receiving your comments on the Phoenix VA Medical Center at your earliest opportunity.

Sincerely,

FREDERICO JUARBE, Jr.,
Director,
National Veterans Service.

Mr. BOND. Mr. President, under the previous order, we were supposed to adjourn at 12:30. I ask unanimous consent that I may be permitted an additional 5 minutes to comment on the MCCAIN amendment.

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

AMENDMENT NO. 5176

Mr. BOND. I want to address the FEMA amendment because the Senator from Arizona has raised some excellent points, and I believe they are very important points this body ought to address.

In fact, the Senator's amendment stems from one of a series of reports I requested of the inspector general last year in an effort to reduce Federal disaster relief costs and improve FEMA operations. The IG has found a weak financial management system at FEMA as well as a number of questionable practices in terms of disaster expenditures. The most recent IG report found some very startling and troubling examples of what could be characterized as an abuse of taxpayer funds.

We have already seen the pictures of a golf course where fees as high as $120 per person were charged yet has received $872,000 in public assistance grants following flood damage.

Let me make it clear, because this area is very complicated, that the disaster relief that we are talking about is available only to publicly owned facilities. If they are privately owned, there are SBA loans that are available. But the FEMA disaster assistance goes generally with the cost share 25 percent local or State cost share with the Federal Government providing the other 75 percent.

We talked about marinas and golf courses, but we could talk about equestrian trails, archery ranges, and other facilities benefiting a very small segment of the population where they receive millions of dollars for tree and shrub replacement. I believe very strongly in trees and shrubs; I plant a lot of them myself, but I seriously question whether that is an essential use of our scarce taxpayer dollars. There is erosion repair, sprinkler systems, and the like. In examples of the facilities the IG looked at which received Federal funds between 1989 and 1995 totaling $286 million, the Federal cost share was between 75 percent and 100 percent.

While I strongly support the intentions of the Senator from Arizona, I am delighted that we are going to have an opportunity to work with him and other colleagues because we have asked of the FEMA Director, and he has promised, to report back to Congress by October 1 a comprehensive plan to reduce the amounts spent and to improve controls on disaster relief expenditures. He has promised to respond to the series of IG and GAO reports that I have requested. These reports do detail a number of what I would consider very questionable expenditures. There is a much larger issue, and we must pursue it comprehensively, not only in the position I serve on this subcommittee but I formerly cochaired a task force on disaster relief with the Senator from Ohio, Senator GLENN, and we have in that task force expressed our grave concerns about the escalating costs of FEMA disaster relief.

Last year, some of my colleagues may remember, in this subcommittee we had to cut $7 billion in other agency programs, primarily housing, housing programs, in order to pay for the Northridge earthquake, and in tight fiscal times we have to be far more prudent in the kinds of relief we provide for public facilities where they are essentially profitmaking though publicly owned facilities.

I can assure my colleague from Arizona that I intend to hold FEMA's feet to the fire in their commitment to submit a plan by October 1. It is essential not only that we but the authorizing committees address this issue.

I look forward to working with my colleague from Arizona and others, particularly my colleague from Maryland, who are very much concerned about this issue.

If there are no further Senators wishing to speak, I yield back my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:36 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 104, LINES 21–24

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the Smith motion to table the committee amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''nay.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—42

Abraham	Grassley	McCain
Akaka	Gregg	Murray
Baucus	Harkin	Nickles
Biden	Hatch	Pryor
Boxer	Helms	Reid
Brown	Inhofe	Roth
Bumpers	Jeffords	Smith
Cohen	Johnston	Snowe
Conrad	Kennedy	Specter
D'Amato	Kerrey	Thomas
Dorgan	Kerry	Thompson
Faircloth	Kohl	Warner
Feingold	Leahy	Wellstone
Grams	Levin	Wyden

NAYS—54

Ashcroft	Domenici	Lott
Bennett	Exon	Lugar
Bingaman	Feinstein	Mack
Bond	Ford	McConnell
Bradley	Frahm	Mikulski
Breaux	Frist	Moseley-Braun
Bryan	Glenn	Moynihan
Burns	Gorton	Nunn
Byrd	Graham	Pell
Campbell	Gramm	Pressler
Chafee	Heflin	Robb
Coats	Hollings	Rockefeller
Cochran	Hutchison	Sarbanes
Coverdell	Inouye	Shelby
Craig	Kassebaum	Simon
Daschle	Kempthorne	Simpson
DeWine	Kyl	Stevens
Dodd	Lieberman	Thurmond

NOT VOTING—4

Hatfield	Murkowski
Lautenberg	Santorum

The motion to lay on the table the committee amendment on page 104, lines 21–24, was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the underlying amendment is agreed to.

The committee amendment on page 104, lines 21–24, was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 5178

(Purpose: To reduce the appropriation for the implementation of the space station program for the purpose of terminating the program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. KERRY, Mr. JEFFORDS, Mr. KOHL, Mr. SIMON, Mr. WELLSTONE, Mr. BRYAN, Mr. FEINGOLD, Mr. LEAHY, Mr. BRADLEY, and Mr. WYDEN, proposes an amendment numbered 5178.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 82, strike lines 6 through 7, and insert in lieu thereof the following: ''sion and administrative aircraft, $3,762,900,000, to remain available until September 30, 1998. *Provided*, That of the funds made available in this bill, no funds shall be expended on the space station program, except for termination costs.''

Mr. BUMPERS. Mr. President, as most of my colleagues know, this amendment would terminate NASA's space station program. This morning on the way to work, I was discussing this amendment with my administrative assistant, and we were discussing the fact that this is perhaps the fifth year I have offered this amendment in an effort to stop what I consider is a disaster in the making. She said, ''Why do you persist in doing this every year?'' That is an easy question to answer. The short answer is that I believe very strongly that we are embarked on the expenditure of $100 billion that, in the final analysis, is going to be considered by every physicist, every top medical man in the country, and by most Members of Congress, those who are willing to admit that we may have made a mistake, as a terrible financial disaster.

We still have a chance to prevent that disaster. If we were to adopt the Bumpers amendment today, we have a chance to save between $50 and $74 billion. I invite all of my colleagues to look at the budget for the future. Defense continues to go up. Entitlements will continue to go up. Everything will go up, except that roughly 18 percent of the budget which we call domestic discretionary spending, within which lies this $100 billion for the space station.

Do you know what domestic discretionary spending is? It is not Social Security. It is not Medicaid. It is not senatorial pensions, Government pensions, or military pensions. It is not interest on the debt. It is that very small portion of money that Congress still has some control over that determines the kind of nation we are going to be. It is the money we spend on education. How many times have I said that when American families sit around the dinner table in the evening and talk about what they love the most, it is not that Mercedes out in the driveway, it is not the farm out back, or that posh office downtown, or the country club and the golf course on weekends. It is their children.

The more money you pour into wasteful spending, like the space station, the less you are going to have for the thing you love most, your children. When people talk about how much they love their children, what do they talk about? They talk about their education. What else? They talk about their children, long after the parents are dead, being able to breathe clean air and drink clean water. And where are the environmental constraints and improvements located? In domestic discretionary spending right there with the space station.

When people talk about their children, they talk about how to keep them out of gangs, the place where so much of the crime in this country is located. Where is law enforcement found? Right in that small pocket of money for domestic discretionary spending.

So this vote is about whether you believe in space. This vote is not about whether you get teary-eyed every time you see the shuttle take off. You are making a big, big decision, a big, big choice on where you want our country's money spent. For every dime you put into the space station, it is a dime that will not be available for our children's education. It will not be available for legitimate, honest-to-God medical research. It will not be available for all of those things that go right to the heart of what kind of nation we want to be.

In 1984—some Members of this body remember it well—Ronald Reagan stood on the floor of the House of Representatives and he talked about the space station and how we were going to build a space station and have it completed by 1992. In 8 years we were going to build this monumental demonstration of our scientific skills. For how

much? $8 billion. That was the cost. By the time we spent $11 billion we didn't even have a good blueprint.

So President Clinton came to town and said this thing is out of control. It is much too expensive. Back in those days it was called Space Station *Freedom*, and the cost was absolutely staggering. So President Clinton said, ''Bring me another plan.'' So they brought him this plan called the Alpha, and he signed off on it. But it is not the Alpha anymore. It is the international space station because the European Space Agency is participating. And Russia is going to participate, if we give them the money. They are totally incapable of participating otherwise.

Mr. President, do you realize that we have been in space for almost 35 years? We have been in space for almost 35 years, and the Russians have had a space station of one kind or another since 1971. For 25 years the Russians have had a space station. The first one in 1971 was called the *Soyuz I*. Then there were five succeeding Soyuzes. Then the *Mir*, which they deployed in 1986 and is still there in 1996. The *Mir* has been up 10 years.

You are going to hear during the course of this debate all of these monumental claims about what we have gotten out of the space program so far. You are going to hear people talk about AIDS, cancer, arthritis and all of the terrible diseases that people fear so much. I am going to respond on the front end right now by saying, ''Ask the Russians.'' They have had a space station up for 25 years. Ask them. What have they gotten? I will tell you the answer. Nothing. You are going to hear all kinds of exotic technical arguments about different kinds of cells and crystals, protein crystals, gallium arsenide crystals. You are going to hear about bone structure, cell structure, and what all you get in space.

I am going to give you a bunch of quotes that are not particularly interesting to listen to, but I am going to quote them to you anyway before I finish this statement, where every single scientist in America, every physicist who is not on NASA's payroll, every medical doctor worth his salt in America, says that to try to justify the space station on the grounds of scientific and medical research is laughable. You will not hear me reading to you a statement prepared by NASA. You will not hear me reading a statement to you that was prepared in a big four-page ad by Boeing. I am telling you that I am not a scientist. I am not a doctor. You can tell me anything, and I cannot refute it. But I will let the experts refute the arguments for the space station.

I used to say that I believe in picking the best brains in America. On any subject I can find the best brains. If I were going into anything, say, into the popcorn business, I would go to somebody that has been successful in the popcorn business. If I want to know about medical research, I might go to the Harvard Medical School. I will quote for you some of those people. If I were going to do something in an area of physics, I would go to somebody in the American Physical Society. Do you know who that is, Mr. President? The American Physical Society is 40,000 physicists. It is virtually every physicist in America. I will tell you before I finish this statement how adamantly opposed to this space station the American Physical Society is. I will tell you why the top medical people at Harvard and all across the country, from the Arthritis Foundation on down, are utterly opposed to the space station. You do not have to be a scientist to know the reason they are opposed to it. They are opposed to it because it is an utter misuse of the money.

Let me digress for just a moment. I assume that most people in this body heard President Clinton's acceptance speech at the convention the other night, and you heard him say that in the past 4 years we have doubled the life of AIDS victims. That is a monumental success. Do you know what the space station had to do with that? Nothing. Do you know why we were able to do that for the people who are victims of AIDS? Because we put $12 billion a year out at the National Institutes of Health where real medical research takes place. How does it take place? The National Institutes of Health passes the money out to schools like the University of Arkansas, MIT, Harvard, and Pennsylvania and all of the other great universities of this country.

It is those universities and the private sector who have been going all out to find a cure for AIDS, or something that would prevent it. But what is Congress doing? We are getting ready to drop another $74 billion into the space station—$74 billion. Where I come from, $74 billion ''ain't bean bag.'' When the year 2002 comes around, you are going to see this domestic discretionary spending account having gone from today's $264 billion to $220 billion.

We are going to cut it $40 billion over the next 6 years. You tell me. How are we going to find the money to fund the things that we want to fund? We are not only going to have to cut $40 billion out of the account by the year 2002 but we are going to continue to fund this space station. It will be safely ensconced in that $224 billion.

Mr. President, when it looked as though the space station might be in serious trouble, everybody said, ''Well, let's make it an international project. Let's get the Russians involved. Let's get Europe involved.'' And so we have been able to get them involved to some extent. But I can tell you that right now the Russians are 6–8 months behind. They are supposed to build a module where the astronauts will live and control the station. The Russians are going to build a module where the men actually live, or the men and women, whichever the case may be. They are behind. And the Russian Government has not given the Khrunichev Corp. that is supposed to build it any money to build it with.

I am one who has favored virtually all the assistance we have given to Russia and will continue to do everything I can to help foster democracy in Russia because I think it is to our advantage and we are the beneficiaries. But if you think the Russians are going to come in on time and they are going to be able to launch all their Soyuz rockets right on time, you have to be smoking something.

It is going to take 90, about, space shuttle flights to deploy the space station and to service it. You know something that is really interesting? How many times have you ever heard your mom talk about something that is worth its weight in gold? Well a pound of water sent by shuttle from Earth to the space station once it is deployed—1 pound of water, 1 pound of food, 1 pound of anything—will cost $12,800, twice the cost of gold. Can you believe that? Every time we launch that shuttle today it cost almost $400 million. We are going to have 90 shuttle flights to deploy the space station and to service it and take food and water to our astronauts.

And so when they talk about the $50 billion for these shuttle flights to service and maintain the space station, there is a big assumption, and the big assumption is that everything is going to happen right on time, that the launches will take place precisely when they are supposed to, they will arrive at the space station right when they are supposed to, they will hook up right when they are supposed to. The editors of Space News say it is utter folly to plan on that basis.

The space shuttle was supposed to take off for the Russian space station *Mir* in July. But it was grounded for six weeks because of technical problems. Yesterday it was on the launch pad being prepared for a launch on September 14. Do you know where *Atlantis* is right now? It is back in the hangar. It is in the hangar in Florida because a hurricane is approaching Florida. So they had to probably download it, that is, take the fuel out of it, and put it in the garage. What if we were planning to launch the *Atlantis* today? We could not because of the hurricane. You say that is no big deal. It is a big deal. It cost millions every time you miss the target to take off in one of those things. To assume that every one of those missions is going to take off right on time and everything is going to go hunky-dory, as the General Accounting Office says, is the height of folly.

Now, Mr. President, we have already built 17 percent of the hardware of the space station. That translates into 167,000 pounds. So the argument on the other side will be that we have gone so far, we have already put this much money into it; we cannot stop now. Lord, how many times have I heard that argument in 22 years I have been in the Senate. Once a month.

I was absolutely the most shocked person in the Senate when we killed the super collider because I had listened to that argument for 3 years. Three years I had been trying to kill that thing. Incidentally, I do not take a lot of credit for that. The House killed it. The House killed it and held firm in the conference. We only got about 44 votes in the Senate to kill it. You cannot kill anything in the Senate that costs money. You can get a lot of noise about balancing the budget until you start trying to balance the budget.

Two weeks ago Aerospace Daily said that the space station construction budget is already $500 million above target. If you think the current $94 billion estimate, which is what the General Accounting Office says it is going to cost, NASA says 72 or 3—I will put my money on the General Accounting Office. They say it is going to cost $94 billion if everything goes perfectly from now on. Everybody knows it is going to cost more than that because everything will not go perfectly.

On that night when Ronald Reagan assured the American people that we were going to build this space station in 8 years for a total cost of $8 billion, NASA also said here is what we are going to do with the space station. Here is the mission. Listen. This is 1984.

No. 1, we are going to make it a staging base for future missions. If we decide to go to Mars, we will have the space station there. We can park a rocket there, refuel it and send it on to Mars. That mission is gone. No longer one of the missions.

No. 2, we are going to make a manufacturing facility out of it. For example, we will manufacture crystals for computers. They will be perfect because they are made in space. Nobody can tell you quite why zero gravity is important. Most physicists will tell you it is not important. But everybody assumes if you do it in space it must have some kind of benefit, or you must be able to do something in space you cannot do anyplace else. I will come back to that argument in a moment.

But, No. 2, it says we are going to make a manufacturing facility out of it—gone. It is no longer one of the missions.

No. 3, we are going to make a permanent observatory out of it. I assume we were going to observe Mars and space and observe the Earth also. So, No. 3 was to make a permanent observatory, observing the stars and the planets—gone. No longer one of the eight missions.

No. 4, we were going to make a transportation node, sort of a bus stop in space. But that mission is gone too.

No. 5, a servicing facility. It will be a place where shuttles could park and get any service work done. If they had to recharge the batteries, put on new fuel, whatever. We could also repair satellites there. It was going to be a garage in space—gone. No longer one of the missions.

No. 6, it was going to be an assembly facility where we would assemble a satellite or a spacecraft for further use, to go to Mars or maybe just to orbit the Earth or something else. That was the sixth one, to make an assembly facility—that is gone.

No. 7, a storage depot, where we would store fuel and parts and supplies, a gas station in space—gone.

No. 8, a research laboratory to study the impact of weightlessness—that is still there. Of the eight original missions, seven are gone. So, with this mission of research laboratory now the only mission remaining, what are they going to do? They are going to do medical research, according to a very lengthy statement that was put into the RECORD by my very good friend from Ohio.

Let me digress for a moment and say the Senator from Ohio and I came to the Senate together and we have become very close friends. He is one of the finest men I know. But he is entitled to be wrong occasionally. His wife, Anna, will tell you that. We just happen to disagree on this. We do not disagree on much.

But when it comes to the kind of research you are going to do, let us talk about the life sciences, the medical research part of it. As I said earlier, I am not a doctor, so I have to depend on people that I respect, whose judgment I trust. So, here is then-Presidential Science Adviser D. Alan Bromley. He wrote the Vice President remarks on March 11, 1991, and here is what he said:

> The space station is needed to find means of maintaining human life during long space flights. This is its only scientific justification, in our view. And all future design efforts should be focused on this one purpose, how to maintain human beings in space.

He went on to say.

> The primary thrust of whatever life research is conducted will be focused on manned space exploratory programs. Medicine and commercial applications will be secondary.

Carl Sagan—who, incidentally, favors the space station because he favors space exploration, but the purposes are quite different, according to Carl Sagan, than those of the proponents of the space station—said:

> The only substantive function of a space station, as far as I can see, is for long-duration space flight.

Before I forget it, here are the organizations who oppose this thing: The American Physiological Society, American Society for Biochemistry and Molecular Biology, American Society for Pharmacology and Experimental Therapeutics, American Society for Investigative Pathology, American Institute for Nutrition, American Association of Immunologists, American Society for Cell Biology, Biophysical Society, American Association of Anatomists.

Let me continue. Here is what the American College of Physicians said, in April 1992:

> We agree that much if not all of the money slated for the space station, the super collider, SDI, and for defense intelligence could be better spent on improving the health of our citizens, stimulating economic growth, and reducing the deficit.

Here is what the American Physical Society said on July 24, 1994. Bear in mind they speak for 40,000 physicists who are charged primarily with building the space station. Here is what they said in 1994:

> The principal scientific mission of the station is to study the effects on humans of prolonged exposure to a space environment. Medical researchers scoff at claims that these studies might lead to cures for diseases on Earth.

David Rosenthal, Harvard Medical School, testifying on behalf of the American Cancer Society. Listen to this:

> We cannot find valid scientific justification for the claims that this will affect vital cancer research. Based on the information we have seen thus far, we do not agree that a strong case has been made for choosing to do cancer research in space over critically needed research on the Earth.

Dr. Sean Rudy, who runs the American Arthritis Foundation:

> I will submit to you the medical research done here on Earth is of greater value than that planned in space. Space station proponents have indicated that the space station will provide a first-class laboratory. We used to have first-class laboratories in universities and medical schools across the country. Reports by the National Institutes of Health and National Science Foundation have indicated that in over 51 percent of the biological laboratory research, space is deemed inadequate for the conduct of research. Furthermore, the National Science Foundation report estimated that the capital construction backlog for lab research space is $12 billion. Should our priorities now be a first-class laboratory in space or correction of a long-standing deficiency in laboratories throughout the country?

His point is not debatable, not arguable.

Donald Brown, president of the American Society for Cell Biology, in an article in the Washington Post called ''Who Needs A Space Station?'' Here is what he said:

> In reference to experiments on cellular processes in normal and diseased cells and organisms, there is no obvious need for this research. It is extremely difficult to imagine what special conditions space might provide for answering important questions about the causes, diagnosis and treatment of human diseases.

Dr. James Van Allen—everybody has heard about the Van Allen radiation belt around the Earth. Here is what he, the world's most famous astrophysicist, said:

> There has been nothing that resulted from the manned space program, essentially nothing in the way of extraordinary pharmaceuticals or cures for disease or any extraordinary crystals which have revolutionized electronics. Claims to the contrary are false—not true.

If you are not going to listen to people like James Van Allen, I might as well sit down and go home. If you are not going to listen to people like Alan Bromley and Dr. Rosenthal, what am I

doing standing here? What I am doing is quoting the top people in America, the people everybody should look to on issues like this.

Then we have the subject of growing cells in zero gravity. For some reason or another, we have this cockamamie idea that if you want to do research, if you can just do it in zero gravity, somehow or another you are going to get some benefit that you could not possibly get on Earth.

But here is what the Space Studies Board said on the subject:

The promise of protein crystallography and potential usefulness of microgravity in producing protein crystals of superior quality should not provide any part of the justification for building a space station. Growing crystals of superior quality in space is not close, nor is it likely to become close, to being cost-effective. It currently is, and is likely to remain, faster and very much less expensive to obtain superior quality crystals on the ground.

On making industrial crystals, here is what T.J. Rodgers, the founder of a semiconductor company said:

I run a semiconductor company, and I am director of Vitesse, a gallium arsenide semiconductor company. So I know about this stuff. All I can say is, this program of growing gallium arsenide wafers in space is a colossal con job, and there is nobody I know in my industry who wants those wafers in the first place. There is no economic benefit to increasing the purity of crystal beyond the point we can currently improve it. The cost is huge, and the economic benefit is almost nil for that last step.

Namely, going into space.

Dr. Al Joseph, founder of Vitesse, a gallium arsenide semiconductor company. I have met Dr. Joseph two or three times. Here is what he said on industrial crystals:

The idea of making better gallium arsenide crystals in space is an absurd—

Absurd.

business proposition. Even if you give me perfect and pure crystals made in space, it won't help me commercially, because 90 to 95 percent of my costs and 85 to 90 percent of the integrated circuit yield on a wafer is driven by what I put on the wafer and not so much by the purity of the wafer itself. The cost of one trip to the space station would finance just about everything the American electronic industry needs to do to ensure its technological superiority for years to come. That's for sure.

I have never seen a project or a mission as desperate for a justification as this one. I look at those ads Boeing puts out. Of course, Boeing is the prime contractor. They stand to make billions out of this. And so that makes their efforts slightly jaundiced to me. I certainly understand why any Senator in Florida, Texas, California, and Maryland, I can understand why any of those Senators would vote for this. They have a lot of jobs in their State, and those jobs pay well over $100,000 each. The cost of this project in jobs will be the most expensive jobs program in the history of America, by far.

On microgravity research, one of the most interesting statements I have seen was by Dr. Bromley when he talks about manned space flights and how important that is to microgravity. Dr. Bromley said:

The human habitation of the space station is fundamentally incompatible with the requirement that the microgravity experiments be unperturbed.

In other words, if you are operating in microgravity, you don't want anybody jarring around in the space station. And so he says, having men on board is incompatible with any research that requires zero gravity or even microgravity.

The Space Science Board of the National Research Council said in 1991:

Continuing development of the Space Station Freedom cannot be supported on scientific grounds.

One article in Newsweek in 1994 I thought had the best one. ''What is the space station for?'' That is a question that nobody has been able to answer.

The author said something which was demeaning in a sense to astronauts, which I am reluctant to quote. But he called them a bunch of people floating around in space looking for something to do. Well, they are all very brave men. We are always proud of our astronauts. I don't know when I have ever been prouder than I was watching our astronauts repair the Hubble telescope, a magnificent thing to behold and they saved the country a tremendous amount of money, simply because it was flawed in the first place.

In 1995 the National Research Council's Space Studies Board said:

The committee reaffirms the findings of the previous report that there is little potential for a successful program to develop manufacturing on a large scale in space for the purpose of returning high-quality, economically viable products to space.

And the American Physical Society, once more:

It is the view of the Council of the American Physical Society that scientific justification is lacking for a permanently manned space station. We are concerned that the potential contributions of a manned space station to the physical sciences have been greatly overstated and that many of the scientific objections currently planned for the space station could be accomplished more effectively and at a much lower cost on Earth on unmanned robotic platforms or on the shuttle.

There are a lot more quotes I could give you. I am just telling you what all the top people in the country say.

I think about the fact that we have been in space almost 35 years and we have had space stations up since 1971, and nobody walks in here and says, ''Here is where we found a cure for this,'' ''Here is where we make great advances of that.''

Tang, Velcro, magnetic resonance imaging, Teflon—the space station had nothing to do with those.

The space program had nothing to do with those. Yet those myths persist that somehow or other we have gotten Tang and Velcro and Teflon and all those things out of the space station. That has been debunked totally, so I will not use it anymore. But I will say this. There are not 10 medical doctors in this country who would support the space station if you gave them the option of putting this $2 billion into the National Institutes of Health, who in turn will put it out to the great researchers of this country to cure or make great advances toward curing some of the terribly incurable diseases we have—it is a no brainer. You think about the poor National Institutes of Health sitting over there able to fund only one out of every four good applications. I am not talking about one of four of all applications; I am talking about one out of four they would like to fund, that they consider viable, scientifically viable.

I saw a thing that my good friend, Senator GLENN, sent out about the National Institute on Aging, that they can do studies on aging on the space station. Do you know one shuttle flight would fund the National Institute on Aging for a full year?

When you say, What do you get out of the space station that you do not get out of just a shuttle flight? The answer is always, Well, it takes longer. You can't do this research in 2 weeks. It takes longer. I do not know how much longer.

Then if you ask what kind of research? You hear all of these possibilities. Well, we can look at this and we can look at that and we can look at this and we can look at that. They give you some complicated stuff. NASA has all that stuff cataloged on a computer over there. They can give it to you in spades.

As I say, we have been at it 35 years. We have not gotten anything yet except a space suit. Space suits are marvelous contraptions, but there is not much demand for space suits in this country. There is a lot of demand for education. There is a lot of demand to feed the poor. There is a lot of demand for cleaning up our rivers and lakes. There is a lot of demand for stopping gangs in high schools. There is a lot of demand for bringing crime under control and doing something about drugs. No demand for space suits.

So Mr. President, if I were to ask each Member of this body, if you had a chance to go back over the last 15 years and spend the $4 trillion that we spent that we did not have—the deficit has gone up $4 trillion since 1981—if I were to ask you, would you have spent the $4 trillion over the last 15 years the same way we spent it? Why, of course you would not have. If you had a chance right now, if somebody came to you and said, Look, here's a chance to save $74 billion on this space station. Do you think you could solve some of this country's problems? Why, it would be like a child at Christmas; people saying, Oh, my gosh, we could educate every child in the country for what that's going to cost. We could pave every road in the country for what that's going to cost. We could go through all those things.

Every problem we have in this country can be traced not to a lack of

money, but to the way we spent it. It would not have been for a space suit, even though I am a strong proponent of the space program. I got teary-eyed with the rest of America when I watched JOHN GLENN soar into space. I have gotten teary-eyed a lot of times, but not as teary-eyed as I am going to get after we have spent the rest of this $74 billion on the space station.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS] is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, just a brief statement. Someone, sometime, somehow should get out here and support the wonderful leadership of our distinguished colleague from Arkansas on this particular score. I have been relatively quiet on the space station because I have learned after 30 years how to stay quiet up here.

With respect to any kind of space program, necessarily having been the chairman and now the ranking member of the Commerce, Science, and Transportation Committee, I am very much an enthusiast of the space program. So my brief comment is to save that space program. I have watched it over the past several years.

I can remember back in 1993 that we had President Clinton coming in and having to ask that the space station be redesigned. Why, Mr. President? Because in 1984 when we started this program it was sold to the American public as an $8 billion program. Then in 1987 it went to $16 billion. By 1993, when President Clinton took office, it was some $30 billion. So the distinguished President said, ''Well, go back to the drawing boards. I don't want to come in here as the new Chief Executive and cancel an important program for space, so let's see what we can do to redesign it.'' And the cost went down on that redesigning to some $19.4 billion. That was in early 1993.

By the end of the year, those working on the program realized that even that was not realistic. So the President and Vice President announced a joint program with the Russians of $17.4 billion. That was only for the station itself. We found out, after we went down and asked GAO to look at the costs and everything else, that with launch and operational costs through the year 2012 the total cost of the space station is $93.9 billion.

So I am sitting there and I am trying to be a good friend, which I am, of the space program. I think it has been a wonderful American success. There is nothing that has thrilled me more than seeing the distinguished Senator seated here in front of me, the Senator from Ohio, who is a true American hero—we all thrilled at his courage and his valor and his common sense. I am sorry we differ on this particular score. But I am forced to talk money.

When I talk money, Mr. President, I get to that space program. I found out, when I listened at the hearings, that the science, aeronautics, and technology account of NASA, everything except the human space flight and the civil service salaries and related mission support—all the rest of it, other than the human space flight and civil service salaries—was some $5.9 billion this past year and by the year 2000 is estimated to be or cut back by NASA to $5.2 billion, which does not take care of inflation, which does not take care of cost-of-living adjustments and everything else.

So I am in a catch-22 situation. I want the space station like everyone else, but I am looking at the formative basic fundamental space program, including these unmanned programs as well as the rest of the human space flight account, and I am saying that investment in human valor and technique and courage, namely, the astronauts themselves, what we have going on in Houston and at Cape Kennedy is just too valuable to risk cutting to save this massive hardware project. We should not be cutting back and paring and scraping and everything else in NASA, like that little debate we are having and have just voted with respect to the Bion Program. I agree with that scientific program. The Post picked up the word ''monkey'' and said you can run a touchdown on this one, saying let us get rid of this program. We already had humans up there and now you want to finance $15 million worth of monkeys. That is good at election time, but it is outrageous nonsense.

Our problem here in the U.S. Senate is that we choke on the gnat and swallow the camel. All those debating and wanting to do away with the $15 million should be voting for the $15 million, and all those looking at space and its program, generally speaking, ought to be withholding votes for the space station. There are priorities, there are times we have to make choices, and we still, Mr. President, are not out of the woods in a budget sense.

The distinguished Senator from Illinois, Senator SIMON, has been a leader in trying to get us on a pay-as-you-go basis. He knows exactly of which I speak. I can give you exact figures where we still are increasing that deficit and debt. I say that too quickly, where we are still increasing that deficit. When we increase the deficit, we increase the debt, which increases interest costs on the debt, which increases taxes, because you can't avoid interest costs. They say there are two things you can't avoid, death and taxes. Well, put interest costs in the column with taxes. They can't be avoided. They must be paid.

All of that crowd running around on the floor of the U.S. Congress saying, ''I am against taxes, I am against taxes, I am against taxes'' are raising the debt $1 billion a day, and $353 billion is the estimate. If growth continues and inflation starts in, it will be more.

I was around, Mr. President, as chairman of the Budget Committee when we were at less than $1 trillion in debt. Then comes what gobbled us all up, namely that supply-side nonsense, which my distinguished friend from Kansas, Senator Dole ridiculed. He had a favorite story. I can hear it on the floor of the Senate. ''Mr. President, there is good news and bad news.'' You would say, ''Senator, what is the good news?'' He said, ''A bus load of supply-siders just went over the cliff.'' You said, ''What is the bad news.'' He said, ''There was one empty seat.'' Now, my poor friend Bob Dole has taken the empty seat, and we are doing it seriously here.

Haven't we learned anything going from less than $1 trillion under Ronald Reagan, who was going to balance the budget in 1 year, to $5 trillion under the Reagan-Bush administrations? And they are talking about who is really for balanced budgets. Well, to balance the budget, we have to do all of the above, as they say in the classroom, on that local option quiz, not just true or false. It is all of the above. Yes, you are going to have to freeze spending, cut spending, and yes, you are going to have to increase taxes to get on top of this monster.

We in the Budget Committee, with eight votes, two of our distinguished Republican colleagues, and six of us on the Democratic side, 10 years ago almost voted for a value-added tax dedicated to eliminating the deficit and the debt. The reason we did it is because we realized that freezes were insufficient. The spending cuts under the best of the best spending cutters, Ronald Wilson Reagan, were not enough. Gramm-Rudman-Hollings was not enough, automatic cuts across the board. So we needed taxes. We voted it at that time. Now, all discipline and reality is gone.

You have to withhold new programs. That was my vote against voluntarism—against AmeriCorps. Maybe I am the only Democratic Senator who voted against it. I helped start the Peace Corps. I can give you chapter and verse, where we had the conference down in Miami, and we called first the then-candidate, John Kennedy. We could not get him and we got Myer Fellman, his legislative assistant on the line. I proposed a program to Jim Gavin at the conference, head of Arthur D. Little, and quoting William Paley, called it the Freedom Corps. That is how we started it. The first broach of the subject was in Cadillac Square in Detroit, and we fleshed it out during the week to be presented in San Francisco.

So I believe in voluntarism, which the Peace Corps is. But I had to withhold on this new program because in order to get it we played the peanut in the shell trick. We took away 347,000 student loans—the money, therefore—in order to finance 25,000 volunteers, who get paid at the cost of $25,000 apiece. I wish I could have gotten out

of high school hoping to go to college and jumped into a $25,000 program. But that is what we are doing here, trying to identify with pollster politics. We have a real problem on our hands. We are not talking here on the floor of the U.S. Senate about saving the space program, and we should be.

When I see my distinguished colleague who has really gotten into the subject in tremendous detail, the Senator from Arkansas—and nobody here to support him—I feel I must speak by way of conscience, having listened, because we got these hearings before our committee on all the facets of the particular program. When you get the environmental satellites, the aeronautics programs, all those things that will be just practically decimated, and in order to go for a space station, then it is just bad planning—particularly at a time when the United States of America is in a position of having to stop the hemorrhage of tax increases, $1 billion a day. Tell the American public out there. The media are not doing their job. They have no idea. The candidates can run and get elected, saying, ''I am for cutting spending, I am for cutting spending, I am for cutting spending.''

Then they come up here with that silly nonsense of wanting to abolish the Department of Commerce. Who do you think I am on the telephone with now? The National Oceanic and Atmospheric Administration. I am trying to find out whether that hurricane now bearing down on South Carolina is going to hit my house again like Hugo did down in Charleston. What are we going to do with the patent office? We can go down the list of the various endeavors at that department. Our export endeavor was ridiculed. They ridiculed Secretary Brown, who was doing what every Governor worth his salt did. He got offices in London, in Tokyo, talking to industry, and that is what the Secretary should be doing.

That is the effort they want to get rid of, the Department of Commerce, and departments for energy, education, and housing, and then they come around here and put $93.9 billion in a program that is going to really hurt the basic space program, where we are going to have to really cut back on the valued astronauts, the human side, to pay for this hardware. We are just going to make it truly unattractive for them. Their sacrifice is great enough. They practically have to separate themselves from their families and everything else. Their diligence, and time and time again, their discipline and everything else is the hardest work in the world. There is not enough pay. But then they say, like we have at NIH—if you cut the research, the smart graduates see that of all the particular research grants that were presented this year, we were able to actually fund less than 20 percent of those who passed muster competitively. We are not funding. So the smart researchers, scientists, and graduates say, well, there is no future there. I don't want to work my way into trying to get a space station, saying, ''Wait a minute. There is no future there.''

So I have voted to support the basic space program. I have never taken the floor because I did not want to, as chairman of that particular program, indicate opposition to space. I worked with the distinguished Senator from Ohio when President Reagan was in office to save the space program. I will work again to save the space program. Mr. President, that is why I am here this afternoon to save the space program. In this budget climate, we cannot keep both the basic space program and the space station.

I yield the floor.

SPACE STATION FUNDING

Mr. KERRY. Mr. President, I join with the distinguished Senator from Arkansas as a cosponsor of his amendment and urge my colleagues to support this effort to terminate funding for the National Aeronautics and Space Administration Space Station program, which the General Accounting Office estimates will cost American taxpayers $94 billion.

Every day, the working families of Massachusetts have to make tough choices about what they can afford, how to pay the rent, and whether they can send their kids to college.

The Federal budget deficit, while reduced by two-thirds due to President Clinton's leadership and the courage of the Democratic-controlled Congress in 1993, is still too high and must be eliminated. It is a drain on our economy and, increasingly, the debt service we pay is robbing us of the ability to make badly needed investments in our future. I have been working in the U.S. Senate to make the tough choices necessary to balance the budget.

When measured against this imperative, I believe the space station's potential benefits—which I recognize—do not stand the test. I believe we must terminate funding for this program.

We cannot spend nearly $100 billion of the taxpayers money to fund the space station and then say that we do not have enough money to put cops on the beat, clean our environment, and ensure that our children get the best education possible.

The Senator from Arkansas, joined by several others of us, has made a valiant effort to halt this project again and again over the past several years. I am hopeful that this year the time has come when the Senate will exercise fiscal responsibility over our Federal budget, like any family in Massachusetts would over its own family budget, by terminating the space station immediately in order to reduce the deficit.

In 1984, NASA justified the space station based on eight potential uses. Now only one of these assignments remains: the space station will be used as a research laboratory. However, the costs of performing scientific research in space simply outweigh the potential benefits. It will cost over $12,000 to ship 1 pound of payload to the space station.

Many of my colleagues support the space station because it creates jobs. But the project's costs for developing jobs are exorbitant—those jobs will cost approximately $161,000 each. If invested here on terra firma, that amount of money would fund three or four or even more jobs.

As a member of the Senate Commerce Committee, I have fought, along with the distinguished Senator from South Carolina [Mr. HOLLINGS] and other Senators, to secure funding for many important scientific programs. Many of these programs have been shortchanged in order to help pay for the costs associated with the development of the space station. Allowing this extraordinary large science program to receive funding at the expense of these other so-called small science programs—which I believe will produce more products and more valuable products—is unacceptable. These small programs are creating thousands of high wage technology jobs at a fraction of the cost associated with the space station.

In the space program itself, the enormous level of funding consumed by the space station is crowding out much smaller programs for satellites and unmanned space probes, which most experts consider more cost-effective than manned missions.

These activities are aimed at expanding our understanding of the Sun, the solar system, and the universe beyond. The specific programs in this category include the ''new millennium,'' a program to build robotic spacecraft one-tenth the size and cost of satellites; the Cassini mission to Saturn, scheduled for launch in 1997; continuation of the Discovery missions, each of which costs less than $150 million, can be launched within 3 years of the start of its development, and is used by NASA to find ways to develop smaller, cheaper, faster, better planetary spacecraft; and the Mars surveyor program which funds a series of small missions to resume the detailed exploration of Mars after the loss of the Mars Observer mission in 1993.

Funding for projects in this area will be approximately $1.86 billion in fiscal year 1997 which represents a 9-percent reduction from last year. The academic research establishment is concerned that the space station appears to be draining funds from these other space projects.

Also included among the programs placed at risk by the space station is the mission to planet Earth, NASA's satellite program to explore global climate change by means of a series of Earth observing satellites launched over a 15-year period, beginning in 1998—a program endorsed by the National Academy of Sciences.

Given the structure of congressional appropriations bills, the enormous

funding for the space station has come not just at the expense of other space programs but at the expense of environmental research and other important activities that promise to improve the lives of our citizens and enhance our security more completely.

Building the space station has become a joint effort between the United States and Russia. We all want to see continued progress in United States-Russian relations. However, we should be encouraging Russia to house and feed its own people, provide jobs, and above all care for its deteriorating nuclear powerplants and dismantle its nuclear missiles and warheads. Asking Russia to commit its resources to pursue an uncertain and risky space station venture instead of encouraging it to tend to these important matters is unwise.

Some may argue that we have lost our vision if we terminate the space station. But their concern is misplaced. We still have vision. But the vision is to restore the American dream to our citizens, to restore their sense of safety on the streets, to invest in technology that will increase our competitiveness and the quality of jobs, to invest in research that will cure our deadly diseases, and to restore our communities to the condition where children can learn and dream.

It is time to decide. I think the American people are watching impatiently to see whether the U.S. Congress can deliver spending reductions for programs that are politically popular but fiscally unwise.

I commend my distinguished colleague from Arkansas, Senator BUMPERS, for his continuing leadership on this important issue. I urge all my colleagues to vote to terminate the space station.

Mr. PRESSLER. Mr. President, I rise to oppose the Bumpers amendment on space station. As the chairman of the Senate Committee on Commerce, Science, and Transportation, which authorizes and oversees the NASA budget, I believe space station will be the foundation of our space program for many years to come. In just 1 year, we will finally begin the assembly of the largest structure ever constructed in space. Space station also is one of the most ambitious international science exports ever undertaken. Space station will bring together the United States and its foreign partners—Japan, Western Europe, Canada, and its newest partner, Russia—in this great challenge to build an orbiting laboratory to conduct important microgravity and biomedical research requiring the unique environment of outer space. The research of space station is expected to eventually lead to new drugs to fight disease, improve our health, and permit the invention of new advanced materials. These benefits will be enjoyed and experienced by the entire world community.

In addition, we can expect commercial spinoffs and breakthrough technologies just as past NASA programs have spawned such great advances as communications satellites. Many products we take for granted today were the result of work performed on NASA missions. Laser faxes, pacemakers, advanced water filters, hearing aid testers, and Doppler radar systems all were generated from NASA projects. I am confident space station will usher in a new generation of such advances to benefit the world.

Mr. President, after a decade of hard work and planning, NASA is finally prepared to embark on its greatest challenge. Americans in 37 States have contributed their time and talent to brings us to this point. More the $15 billion already has been spent, not including the $6 billion invested by our foreign partners. Next winter, the first element of space station will be launched—a propulsion and navigation system—to begin the assembly of the facility which will conclude in the year 2002. It is in our national interest to move forward, into the future, and begin assembly of the space station.

Let me say my support for the space station is not without some reservations. For instance, I continue to be concerned about the program's heavy reliance on Russian contributions of critical hardware and launch services. Since joining the program 3 years ago, our former cold war rival has gone from being a nonparticipant in the program to an indispensable partner. For example, over half of the 73 space missions to assemble and supply the station are Russian launches, compared with about 27 shuttle launches. Moreover, both the navigation and propulsion system as well as its crew rescue vehicles are to be built and launched by the Russians. While NASA assures Congress and the Nation that the space station could still survive even if the Russians were to withdraw, this may be wishful thinking.

I am also concerned about the cost of the space station project. NASA estimates the total cost of the program at $30 billion through the year 2000. In a report released last month, GAO indicated space station is experiencing troubling cost overruns which, if left unchecked, could ultimately balloon to $400 million.

In addition, there have been recent reports of cost increases which threaten to exhaust much of the reserves budgeted for the project. If this program experiences any significant cost overruns, its huge budget could start to crowd out other worthy space programs like Mission to Planet Earth—which I consider the most important and relevant of all of NASA's activities. Clearly, this result would not be in the public interest.

These concerns were addressed at our July 24 hearing on space station and again at a meeting between the subcommittee chairman, Senator BURNS, and NASA Administrator Dan Goldin. With regard to the Russian issue, Vice President GORE and Administrator Goldin recently traveled to Russia where they negotiated an agreement in principle regarding the respective roles and responsibilities of Russia in the program. The agreement will be the basis for a formal memorandum of understanding to be finalized later this year. Participants in the United States-Russian talks are confident the Russians will make a firm commitment to provide the support to which they have agreed. However, in the event the Russians do not perform, NASA has viable contingency plans to move forward using United States contractors to replace any lost Russian contribution.

As for the space station costs, NASA has assured the Commerce Committee the alarming press accounts are overblown and the program will exceed neither its $2.1 billion annual cap nor its cost estimate of $17.4 billion from October 1993 through assembly completion in the year 2002. NASA is mindful of the potential for cost overruns and the need for better cost control systems. In that connection, the head of the space station program, Wilbur Trafton, testified before our Space Subcommittee that NASA has budgeted $2.9 billion over the program's life to cover unexpected cost overruns. Administrator Goldin is an exceptionally talented administrator so I have great confidence in NASA's assurances the program is on track and within budget.

Accordingly, I support the space station, but as chairman, of the Commerce Committee, I continue to monitor its progress closely through our oversight function. The program has come a long way from the early 1980's when the space station was still a dream of President Reagan and existed only as the blueprints of NASA engineers. Space station is now almost a reality. The plans have been finalized, hardware has been built, and the launches have been scheduled. Next year the space station adventure will finally begin with the launches have been scheduled. Next year, the space station adventure will finally begin with the launch of its first piece of hardware. Now is the time to go forward, not backward, and move the country and our technology into the 21st century. I hope my colleagues will join me in voting for this country's future by opposing the Bumpers amendment. Thank you, Mr. President.

Mr. SHELBY. Mr. President, I rise today to oppose the amendment offered by Senator BUMPERS to terminate the international space station. The distinguished Senator from Arkansas again tells us that America should abandon its commitment as the leader of this historic endeavor. Supporters of this amendment have many reasons why we should desert our international partners just when we are about to launch the first sections of this incredible project into orbit. Mr. President, I reject these arguments for a number of reasons.

First, Mr. President, the opposition talks of cost overruns, and yet, despite

the complexity of this task and the various challenges that will be encountered as the station moves from the drawing board to reality, NASA is committed to remaining within the $17.4 billion projected cost for the redesigned space station. Frankly, Mr. President, we have cut and trimmed the resources available for the space station to the point where NASA has little, if any, flexibility in dealing with the inevitable challenges it will face. Today we debate the very existence of the space station when we should be talking about maximizing NASA's flexibility within the limits that we have already placed upon them.

Second, the opposition tells us that NASA may divert science funds to construction accounts, thereby leaving the station with no scientific capability at all. While NASA may rephase funds intended for developing scientific experiments, this management initiative in no way reflects a reduction in NASA's commitment to research on the space station. Some payload facilities are developing ahead of schedule, and NASA is wisely coordinating these elements to be complete when the station is ready to accept them. This rephasing of funds will allow NASA to augment its program reserve accounts to place them at acceptable levels. This is the type of planning and initiative that we should support, not attack.

Third, we are told that the contractors involved in the station's construction are encountering significant problems with the first two nodes. Mr. President, if all great research and development projects were terminated because they encountered significant problems, we would be without many, if not all, of the greatest discoveries in human history. Yes, the space station is a great challenge, but, the men and women working on the station have yet to encounter an obstacle that they cannot surmount. In fact, node 1 has recently completed a successful pressure test and will now undergo a post-test inspection and final preparation for launch. This is an exciting time for the space station and we should be focusing our attention on its permanent successes and not its temporary setbacks.

Fourth, termination of the international space station will undermine the credibility of the United States with its international partners who have already invested more than one-half of their planned $10 billion contribution. We have taken the lead on this project and given our word that we will see it through. Leadership requires resolve and character. It is not in the American character to break our promises and abandon our friends and partners, especially when the prize we all seek is within our grasp.

Finally, Mr. President, termination of the space station will end any promise of meaningful space-based long-duration research in cell and developmental biology, human physiology, biotechnology, fluid physics, combustion science, materials science, low-temperature physics and the large-scale commercial development of space.

For decades, the space program has driven science and technology development, motivated our children, and inspired a nation and the world. Mr. President, we stand at the threshold of a new millennium. Let it not be said that we squandered one of our first opportunities for greatness in the 21st century.

I urge my colleagues to oppose this amendment. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to propound a unanimous-consent request. We have I believe cleared this on both sides of the aisle.

I ask unanimous consent that the vote occur on or in relation to amendment No. 5178 after 2 hours of debate and that the time be equally divided between Senator BUMPERS and Senator BOND with 15 minutes of the time under my control allocated to Senator HUTCHISON, 10 minutes allocated to Senator MIKULSKI, 20 minutes allocated to Senator GLENN, and that no second-degree amendments or motions to refer be in order prior to the vote in relation to the Bumpers amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I have great respect for my colleague.

The PRESIDING OFFICER. Who yields time to the Senator from Illinois?

Mr. SIMON. Will the Senator from Maryland yield 5 minutes to me?

Ms. MIKULSKI. I can only yield Senator BUMPERS' time. Actually in behalf of the opposition to my position, I will graciously yield to one of the great Senators 5 minutes.

Mr. SIMON. I thank the distinguished Senator from Maryland for her graciousness.

I have great respect for the Senator from Ohio. No Member of the Senate has shown more courage. Any of you who have visited the Air and Space Museum and seen that little thing that JOHN GLENN crawled into, I do not know very many human beings who would risk what he did.

So I speak in opposition to his position with great reluctance. But my friends, we simply have to get hold of things.

This morning's New York Times has an op-ed piece by Paul Krugman, a professor of economics at MIT. He says, in referring to the two candidates for President:

> The sad truth about this year's economic debate is that the biggest issue facing the Federal Government—the issue that should be uppermost in our minds—is not being discussed at all. Most of what happens in our economy is beyond the reach of government policy. In particular, the evidence suggests that it is difficult for the Government to have any visible effect on the economy's long-term growth rate.
>
> There is one thing, however, that the Government can and must control: its own budget. And it is heading inexorably toward fiscal disaster, as the baby boomers in the tens of millions march steadily toward the age at which they can claim Social Security and Medicare. True, the crisis is still about 15 years away. But we expect responsible adults to start preparing for their retirement decades in advance; why shouldn't we ask the same of our Government?
>
> Unfortunately, everything that a responsible government should be doing now—raising taxes, raising the retirement age, scaling back benefits for those who can manage without them (that means for the affluent, not the poor)—is political poison.
>
> It may be too much to ask the candidates to preach responsibility to the public, but we can at least ask them not to make things even worse by offering goodies the nation cannot afford.

My friends, this debate is an illustration of why we need the balanced budget constitutional amendment. There are a lot of good things that we would like to do. If we had a $100 billion surplus, I probably would vote for a space station, even though the Aviation Week & Space Technology of August 26 starts off its story—the heading is ''Cost Increases Add to Station Woes''—with the first paragraph:

> NASA is considering ways to scale back early scientific work on the international space station to pay for cost increases that threaten to exhaust reserves for the project.

There are a lot of things that we would like to do that we just cannot do. I think the space station is one of them. I happen to believe that both political parties are being irresponsible right now in asking for a tax cut. Would I like a tax cut? Sure. Would the distinguished Presiding Officer, my friend from Idaho, like a tax cut? Sure. We ought to restrain ourselves and not have tax cuts until we have the surplus. That means that we are going to have to restrain ourselves on some spending that would be nice but is it essential for our Government. And a space station is one of those things. I think we have to use some common sense.

I say to my friend from Arkansas who is here that I am going to be leaving the Senate shortly. You are not going to get an amendment like this passed until we have a constitutional amendment requiring a balanced budget. Until that time, candidates for office are going to continue to promise tax cuts, and we are going to vote for things like this that really do not make sense. I hope that one of these days we will recognize that Thomas Jefferson was right when he said we need fiscal constraint in the Constitution that we do not have.

In the meantime, let us do what is right on this and say, it would be nice, it is not essential, and let us not vote for it. That is what we ought to do.

Let me just add. I want to commend my colleague from Arkansas for year

after year after year pursuing this. I know he feels like he is in the bottom of a well of no one listening. But if we do not push for this kind of restraint we are going to have fiscal chaos in this country. That is the simple reality.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield 20 minutes to Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 20 minutes.

Mr. GLENN. I thank the Chair.

Mr. President, I gave a very lengthy statement yesterday on the space program, and the space station in particular, on items that got into considerable detail on the various aspects of the scientific reasoning for it, the corollary between some of the things that happened to astronauts in space and the normal processes of aging here on Earth, and how some of these things are being investigated, or planned to be investigated more in the future than they have been up to now. But I think these are very, very interesting. But for a few minutes, I will not use all of my 20 minutes on this, and I do not want to go back and address all of those things I did yesterday much as I would like to have that time. I know we are under some time constraints. But I want to make sure that we get into the RECORD, or that we put out for our colleagues' consideration, some items that express concerns about the cost growth and schedule slippage on the space station without getting into the scientific background of justification of why we are doing this thing at all because those were put out by my friend from Arkansas, Senator BUMPERS, in a ''Dear Colleague'' letter.

Let me just respond to his comments of a little while ago. I do not have a better friend in the Senate than Senator BUMPERS. We came in here the same day. I would say that our voting records are nearly similar, except once a year we get into opposition on this particular item. I always regret that we have to oppose each other on this because we both feel strongly about this particular issue. So this is not a slam at Senator BUMPERS. But I do want to respond to some of the things that were put out in his ''Dear Colleague'' letter.

In that letter it stated, ''Scheduled delays in cost overruns will add additional billions to the price of the project.''

The bottom line is that as of now the station is over 45 percent complete. The hardware is being cut. This is not some prospective thing off into the future. The hardware is in existence; 45 percent; 122,000 pounds of the space station have already been built and are currently undergoing testing. According to GAO, the $17.4 billion project is about $89 million over cost and about $88 million behind schedule. I repeat. It is a $17.4 billion project, and only $89 million over cost. That is roughly within 1 percent of the planned targets. I think that is better than probably 99 percent of Government projects, or maybe even industrial projects also.

I think very clearly NASA and its contractors need to strive to complete the project on time and on budget, of course. The facts indicate that the program is slightly—I say slightly—over budget; the figures I just gave—and behind schedule. However, NASA managers are taking steps to reverse that trend. A very important tool in NASA's case is its contract with the prime contractor, Boeing, which ties a very substantial portion of Boeing's payment to successful performance of the contract.

Here is another very important management tool for dealing with cost growth. Administrator Goldin set up a program reserve, so included within these planned $17.4 billion program costs are program reserves. Nearly $3 billion of the station's budget fall into this category. These are funds which are to be used for unplanned or unforeseen costs. It is a research program. You cannot define it like buying 22 trucks off the line at GM or Ford or some place where you know the exact costs, and so on. So you do have to plan for unplanned or unforeseen costs. That is a likely occurrence when one is designing and building and testing and operating a very unique research facility, the only one of its kind.

Up until recently, NASA had not had much need to tap into these program reserves. The program was going along well, being well managed, staying within budget. However, the last half of fiscal 1996, 1997, and 1998 are the peak construction and spending years. It is during this time that program managers anticipated they might need to use reserves. The bottom line is that there are adequate reserves to fund all anticipated cost growths that are foreseen right now.

Also, my friend from Arkansas said in that ''Dear Colleague,'' ''NASA is considering making up the shortfall by diverting funds intended for developing scientific experiments on the station. If this happens, NASA could end up with a space station with no scientific capability at all.''

That is a very troubling assertion. But my colleagues know, I believe, that research to be performed on the station will significantly benefit those of us right here on Earth. The research is the reason we have the program. It is not just to let a few people go up and experience the view from up there in space. It is to do the basic, fundamental research in the new laboratory of space, a capability that humankind has never had before through our hundreds of thousands of years of existence here on Earth. For the first time, we can use this new laboratory of space.

So I have asked NASA about this issue and NASA reports the following:

Station managers have taken steps to ensure that the scientific payloads are being developed on a parallel course with the space station vehicle and are synchronized with their planned use aboard the space station. NASA has shifted some funds from the space station science accounts to the program reserve accounts where they may be needed for construction of the vehicle itself during the next year or so. Before these schedule changes were made, some of the scientific payloads were moving ahead of schedule and would have been completed before they would have been used on the station. The rephasing of some of these development activities also has the effect of freeing up funding planned for the next 2 years but that would simply augment the program reserves and place those reserves and figures at a more acceptable level as a percentage of the total budget for those 2 years. So in the end there is no reduction in the commitment to research on the space station. It is a matter of timing, not a reduction in scientific capability.

The overall level of funds for science activity has not been reduced one penny.

Also it has been said, an issue has been made of the problems that have been encountered by NASA and Boeing in building the space station's nodes, the connecting pieces for the space station modules. Earlier this year one of the nodes failed a pressure test. However, this problem has been corrected. Last week, just a week ago, the nodes passed the pressurization test. There have been some costs in schedule penalties when this problem has been addressed. However, the costs can be met through the use of the program reserves I mentioned a moment ago.

Let me say this pressure test takes it up to about 1½ times what the normal pressure will be in that structure while it is in space. They have approximately a sea level pressure, slightly over sea level pressure, which is 14.7 pounds per square inch. I think it is planned that the station will operate at 15.2, and they went up to 1½ times that 15.2, and it passed with no problems. So NASA does not believe that any delays in launching any space station element will occur as a result of this now corrected problem. It was a problem at one time, but that has been overcome.

Finally, the Senator from Arkansas has asserted that the Russians are falling behind on their share of the program and that the United States is bailing out the Russians by renting time on the *Mir* spacecraft. The Russians play a crucial role in the international space station, but their participation will result in the United States ultimately spending less on the program rather than more.

The schedule problems encountered by the Russians have been the subject of high level government-to-government negotiations. In July of this year, 1996, Prime Minister Chernomyrdin and Vice President GORE signed a document detailing key milestones for both sides to meet in order to keep the program on schedule. This meeting resulted in needed funds being freed up

within the Russian bureaucracy so that work on the Russian components could continue. That is just a month and a half ago, a little less than that. The Russian officials have assured NASA that their schedule slippages can be eliminated as long as necessary funding levels are maintained.

In the meantime, the United States and Russia are continuing to cooperate on what I think is an exciting program, a productive joint program on the *Mir* space station. As many of us are certainly aware, U.S. astronaut Shannon Lucid is still up there right now completing a record-setting stay on the *Mir* space station. When she comes back down in another week or so, I believe she will have about 185 days in space. When she comes back down, she will be replaced by another U.S. astronaut, John Blaha, thus continuing what will eventually be 2½ years of continuous U.S. presence on the Russian station. This streak began with Norm Thagard's mission last year.

The goals of this first phase of United States-Russian space cooperation are being met and include, No. 1, experience in long-duration space operation. As discussed above, U.S. astronauts are getting invaluable experience to better understand the requirements of sustained permanent space operations. This experience will enable NASA scientists and engineers to more productively plan for the research that will be conducted on the international space station.

No. 2, science research. U.S. astronauts Norm Thagard and Shannon Lucid have conducted literally hundreds of experiments during their respective stays on *Mir* and hundreds more are being planned over the next 2 years.

So, Mr. President, those are just a few comments in rebuttal to what was put out in the ''Dear Colleague'' letter that was sent around. I will reserve the remainder of my time here to reply to some of the other areas, so I will yield the floor at this time. I reserve the remainder of my time.

How much time do I have remaining, please?

The PRESIDING OFFICER. The Senator has 8 minutes 50 seconds.

Mr. GLENN. I thank the Chair.

Mr. BOND. Mr. President, I would like to have Senator MIKULSKI recognized for her time, and would allocate 10 minutes to her.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise again this year in support of America's space program and in opposition to the Bumpers amendment that strikes the funding for the space station. How ironic it is, at this time of great space discoveries like the possibility of life on Mars, that my colleague wants to eliminate one of NASA's greatest programs. Once again, I will come to the defense of the American people who depend on the space station in so many ways.

What do I mean? I am talking about jobs. Killing the space station is about jobs, and jobs in the United States of America. It is about putting people out of work or keeping people on the job, many thousands of men and women who work directly in the program or in factories that work on the space station itself. There are many thousands whose jobs result from the multiplier effect of the station's construction. Most are middle class, blue and white-collar workers who make family level wages, with health security, and we want to be sure that they have paycheck security, health security and can count on this job.

They are the same kind of Americans who are already affected by military base closings. For my colleagues who insist we need a defense conversion strategy to deal with the end of the cold war, the space station is an opportunity to retain our high-tech manufacturing skills for a civilian economy.

My opponent claims that commercialization as a result of the space station is not materializing. The 1993 National Association of Public Administrators committee report stated this:

> Through university-based partnerships with industry and government, and also through traditionally federally sponsored commercial space initiatives conducted at diverse NASA field centers, private investment in commercial space processing ventures has grown.

So I urge my colleagues not to be lulled into thinking that killing the space station will not have a serious negative effect on our economy, the economy of the State of Alabama, and more important, on the lives of thousands of Americans throughout the entire United States, both in Alabama and in Texas.

Also, let us fight for the space station for scientific value. One of the points raised by my opponent is there is little science of any value that will be done aboard the space station. Quite the contrary: The science proposed for the space station cannot be accomplished on Earth. The space station science requires access to very low levels of gravitational force, and it must be sustained. It is technologically impossible to create a low-gravity environment for this type of research without going into space orbit.

The thinking behind the Bumpers amendment is the same kind of thinking that would stifle our understanding of bacteria and germs that cause disease. It is that kind of philosophy that would have stopped Madam Curie from discovering radium, from which the field of radiology developed, or Jonas Salk from finding the cure for polio.

With technology being developed for the space station, scientists are already beginning to understand how cancer cells form in the human body, and they can do so because of a zero-gravity environment which permits them to grow tissues just like they are growing in the human body. What does that mean? We can actually simulate tumors in a way we could never do here on Earth. For those who say, ''Do not give it to NASA, give it to NIH,'' there is a joint agreement between NASA and the National Institutes of Health, just on this exact same kind of life science research.

This type of research has produced important microgravity research findings. This is particularly so in the area of protein crystal growing. No other lab on Earth can simulate that kind of tissue growth. Other labs must contend with the distorting factor of gravity.

What does the absence of gravity mean? It will allow the kind of research that produces new insights into human health and disease treatment, like heart and lung functions, cardiovascular disease, osteoporosis, immune system functionings, and so on.

The other reason we support the space station is because of technological innovation. The space station is not only about science, it is about technology development. By the mere fact of building the station and by the mere fact of doing medical and life science and crystal development, in order to do the research we have to develop new technology. That can be medical equipment technology, mineralization techniques, and a whole series of other things. That has been the history of NASA.

Also, let us be clear, the space station is about the entrepreneurial spirit that has been at the heart of our country's aerospace industry. In the history and development of ideas, there are always the naysayers who say let us stick with the status quo. But we can do better. Through history it has been bold people with entrepreneurial ideas, backed up with resources, that invented new technology that led to new products that led to new jobs that has made the United States of America an economic superpower. We are an economic superpower because of our scientific and technological development. In high-technology innovation, the United States has always led the way. U.S. competitiveness can only be maintained by long-term, cutting-edge, high-risk research and development.

So I will continue to fight for the space station, both for what it represents now and what it represents in the future. I will vote no on Bumpers and yes for America's space program for the 21st century.

I yield back such time as I might yet have.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Missouri.

Mr. BOND. Mr. President, I yield the time allocated to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Missouri and the Senator from Maryland for the leadership that they are providing in

making sure that we have NASA and the space program, because they know how much this has done for our country. They have been there with me, looking at what the space station will be able to do. We have walked through the modules. We have looked at the experiments and how they are done in space and at the unique attributes they have in that space station which will allow them to do things they cannot do on Earth. They cannot duplicate the microgravity conditions on Earth.

I just wish the Senator from Arkansas would go with me one day and see what a difference it makes for our country that we have this commitment to space and the future, the essence of what we are debating today, when we take up funding for the space station yet again. This is the 14th time that there have been attempts to terminate the funding, but fortunately Congress has been farsighted, and the administration has as well, to make sure we do not walk away from the future.

What we are talking about today is whether we are going to summon the vision to continue this quest in cooperation with other nations. Or would we clip the wings of our civilization and just hunker down here on Earth?

The benefits of NASA research are long proven. Every dollar spent on space results in $2 in direct and indirect economic benefit. Breakthroughs in medical technology that we now take for granted are rooted in NASA technology. For example, NASA has developed a cool suit for Apollo missions which now helps improve the quality of life of multiple sclerosis victims.

NASA technology has provided pacemakers that can be programmed from outside the body. NASA has developed instruments to measure bone mass and bone density without penetrating the skin. These are now widely used to give a test for osteoporosis so that a woman can get a benchmark and then know if she is losing bone loss and needs to add extra calcium to her diet.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across. It provides more precise control of blood sugar levels and frees diabetics from the need for daily insulin injections.

The space shuttle has begun to lift the curtain on the enormous opportunities that lie ahead in a manned microgravity laboratory. The station will allow scientists to modify their experiments in orbit and take advantage of the unanticipated results. This is the kind of flexibility that has historically led to the greatest scientific breakthroughs and will do so again to fight cancer, osteoporosis and diabetes.

Despite these benefits, some critics have said that the scientific returns for more than a decade of experiments in weightless conditions are not really cost-benefit approved. Dr. Michael DeBakey, the chancellor and chairman of the Department of Surgery at Baylor College of Medicine said:

> Present technology on the shuttle allows for stays in space of only about 2 weeks. We do not limit medical researchers to only a few hours in the laboratory and then expect them to find cures for cancer. We need much longer missions in space in months and years to obtain research results that may lead to the development of new knowledge and breakthroughs.

So, Dr. DeBakey is saying we don't need less time, we don't need less emphasis on the space station, we need more. Dr. DeBakey knows what can be done, because he is one of the innovators in this field.

Life and work on the station also generates breakthroughs that improve life on the ground. We expect to develop lighter, stronger, superalloy metals, lower cost heating and cooling systems, longer life power converters, safer chemical storage, air and water purification, waste management, and recycling systems.

As with the Apollo program before, the space station will be the proving ground for advances in communications, computers, and electronics. Research equipment developed for the space station is already paying dividends. Scientists are growing ovarian tumor samples in NASA's new cell culturing device so that tumors can be studied outside the body without harm to the patient. A similar trial is underway for brain tumors.

The question we are asking today is, will we pursue this knowledge? Science alone is not the reason that we are reaching into space. As the world redefines itself in the wake of the cold war, the space station is a catalyst for international cooperation and a symbol of U.S. leadership in a changing world.

We now are drawing on the expertise of 13 nations—the United States, Canada, Italy, Belgium, The Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia. Failure to fund the space station would undermine our partnerships with Europe, Japan, and Canada which have expended over half of their $9 billion commitment to the $17 billion space station program. It would cause them to conclude that they can no longer count on the United States as an ally; that our commitment would not be good. Mr. President, we do not want to be bad partners. That is not the legacy that this Congress would want to leave.

I also remind my colleagues that the space station and NASA has not just been out there in a vacuum as we have been trying to cut the rate of growth of spending. They have stepped right up to the line. They have taken their fair share. Dan Goldin has a zero-based review in place that has shaved the cost off NASA and has made it more efficient for the taxpayers of this country.

A 1993 redesign of the program resulted in a space station that is $6 billion more cost efficient. I watched this process closely, and I commend Dan Goldin for this approach. If every agency would do this, we would have a 35-percent budget reduction, saving taxpayers $40 billion more and be able to continue with the mission.

So I do not want us to be the Congress in the last half of the last decade of the 20th century that is remembered for displaying the failure of will. No, Mr. President, we have goodwill in the space agency, in the space station and abandoning it would signify, I think, a myopic view of our country and of the world.

America has been the leader in space, and now we have a chance to cooperate with our friends around the world and continue to do better for mankind. This is not the time to walk away from the gigantic investment we have made. Any scientist will tell you that you cannot predict what the results are going to be when you go into research, but you can make sure that we have the underpinnings that will keep America vibrant and growing so that we can absorb the new people that come into our system, so that we will create the new industries that create the new jobs that will keep our country economically strong.

Our young people must have a place that they know they can go for scientific research and breakthroughs for the future. As we are going into the 21st century, we cannot go back into the 18th century and say, ''Space is out there, but we're not going to explore it.'' Mr. President, that is not the American way.

So I hope my colleagues will join us for the 15th time and make sure that we send the clear signal that we are committed to this research, that it is right for America and that we will do better things for the world because of it.

Mr. President, I yield the rest of my time to my colleague from Texas, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. GRAMM. Mr. President, let me commend my colleague from Texas for an excellent statement. We have debated this issue with our dear friend from Arkansas on many occasions. I feel confident that the outcome of the vote today will be the same as it has been on the many previous occasions that we have voted on this matter. And since my colleague from Texas has done such a great job of focusing in on the space station, let me take a little bit bigger picture and try to develop that.

In 1965, we spent 5.7 percent of the Federal budget on nondefense research and development. In 1965, we invested 5.7 percent of the Federal budget in new science, new technology, new know-how to plant the seeds to generate jobs in the future.

Today, under the budget submitted by the President, including the funding level that we have for the space station, we are spending 1.9 percent of the

Federal budget on nondefense research and development. From 1965 until today, our investment in science and technology in the future has declined from 5.7 cents out of every dollar we spend in the Federal budget down to 1.9 cents out of every dollar we spend in the Federal budget.

From 1965 to 1997, we have had an explosion in Federal spending, and yet in the midst of this explosion in Federal spending, we have increased spending not as an investment in the future, not as an investment in the next generation, not as an investment in science and technology, but, by and large, we have spent our money on social programs. And in the process, our Government has become the largest consuming institution in our society and one of the smallest investing institutions in our society as a percentage of the budget.

In 1965 we were plowing back 5.7 cents out of every budget dollar into investments in science, technology, the future, investing in the next generation of Americans. We have seen that fall progressively down to the point in this budget where we are investing only 1.9 percent of our Federal budget in science, technology and the future. We are investing increasingly in the next election by spending money on social programs, and we are not investing in the next generation by investing in science and technology and the future.

If you look at the Bumpers amendment, what it says is: Prohibit funding for the space station except for program termination costs. It in no way lowers the annual spending caps. It in no way says these savings have to be applied to deficit reduction. So as we all know, since we are operating under spending caps, every penny that would supposedly be saved, if we kill the space station, would end up being spent in other areas of the Federal budget.

If we did this, if we kill the space station, we would be going further in taking money away from investments in the future, in the science and technology on which jobs in the future will be based and we would basically be converting that money into consumption programs where we would be investing in social programs and investing in the next election and not the next generation. This would be a tragic mistake.

I am confident we are not going to do it today. Our investment in science and technology is already too low. I would like to have a 5-year program to double investment in science and technology instead of cutting it as the Senator from Arkansas proposes.

No nation in history has benefited so much from science and technology as the United States of America. In this century we have been the principal contributor of all nations in the world to science and technology. And we have built a technological base that we have used better than any other country in the world. Our global leadership is threatened because we are not making the investments that we once made in pure science and technology.

No other institution in our society is capable of building the space station. If we do not make this investment, we are again saying we are going to take money out of investment in the future and we are going to invest it in social programs today. That would be a mistake.

I urge my colleagues to reject the Bumpers amendment as we have on 14 previous occasions. We have already cut the space station. We have refocused it. We have broadened the participation. We have taken on the Russians as partners. We have spread the cost of the program. We have made international commitments. We have saved money by paring back on the program. Now is the time to move ahead and build the space station. This is not the time to cut spending for the space station to free up funds to go into social programs. Let us invest in the next generation and not the next election by defeating the Bumpers amendment. I yield back the balance of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I wish we had a lot more time because there are many things to be said. I used a lot of time yesterday and will not be able to repeat all that today. Let me talk for a moment about this protein crystal thing because I think there have been some misconceptions put forth on the floor here. This is not something we are just talking about that may be out there some time in the future. It is here now.

Private industry is working with the NASA Center for Macromolecular Crystallography to produce high-quality protein crystals for new development. Let me tell you the companies that are involved with this: Schering-Plough, Eli-Lilly, Upjohn, Bristol-Myers, Squibb, Smith Kline Beecham, Biocryst, DuPont Merck, Eastman Kodak, and Vertex. This is not some time in the future they may do this. They are using them now to research cancer, diabetes, emphysema, and immune system disorders, and including the HIV virus.

There has been such rapid advancements in these particular areas. And this protein structure that can be developed in space promises to revolutionize the pharmaceutical industry. You would not have all these companies directly involved with NASA if that was not true. Researchers seek to define the structure of proteins and design drugs that interact with them.

Penicillin is a well known example of a drug that works by blocking a protein's function. Orbital experiments provide researchers with superior protein crystals for analysis and they also help scientists understand the fundamental concepts about the crystallization process. You cannot do that on Earth. The information could be used to improve crystallization techniques here on earth however.

Rationally designed drugs promise to revolutionize health care. Orbital research will feed this revolution with the crucial protein structure data it needs. NASA researchers have already used—not in the future—but already have used space shuttle missions to produce protein crystals for a variety of clinical conditions, including cancer, diabetes, emphysema, and immune system disorders.

What if we broke through with something on HIV or found out from something from these protein crystal studies that space-grown crystals were in such a way different that we came up with a new approach to HIV or something like that? We would think that was well worth anything that we were looking into on the whole space program.

Mr. President, one other area—without getting into a lot more of those details—there is one other area I wanted to mention here today. You know, we have a lot of things that occur to astronauts when they are up there in space flight. After a few days their bodies start changing. They have a lot of physiologic changes. On the floor here yesterday I had the book that NASA has put out on space medicine, space physiology. If you look at that and then you look over into the Merck Manual on Geriatrics you find some very similar things, you find out that some of the things that occur to astronauts in space in a very short period of time also occur to the elderly in the normal processes of aging.

I wish we could have those 44 million Americans today that are over 60, those 44 million Americans listening to this. I am sure we would have every single one of them supporting the space program when they realize that such things as bone density changes that affect the aging here on Earth also affect astronauts. Orthostatic intolerance, the difference in blood pressure when standing, sitting, and so on, decreases during flight and returns to normal, but it is a symptom associated with aging.

Balance and vestibular problems, dizziness, the inability to maintain their balance upon returning from a flight, sleep disturbances, muscle strength, immunology. The body in space reduces its immunology. Why the immune system? Why, we do not really know. The elderly have the same thing happen. Normally, as people get older, their body's immune system goes down hill. If we could just make some experiments to find out why this occurs and trigger off the body's response, its own immune system against cancer and AIDS and all the other diseases and all the other infections we have here on Earth, that one area alone would be worth everything that we are spending in this area.

Reduced absorption of medicine and nutrients in the stomach and gut evidenced during space flight and also suspected with many elderly. Perhaps

some of the elderly do not get the nutrients, and their drugs are not as effective as they otherwise would be.

Cardiac electrical activity changes, serum glucose tolerance changes, reflexes change, all these things that occur to astronauts in space and also occur to the elderly normally here on Earth.

I know I am rapidly going through these things. I wish I had time to go into these things in more detail. But these are areas of research for the future that I think are extremely, extremely valuable.

Mr. President, one thing we have not mentioned either is the international aspects of this. Isn't it nice that we are cooperating in space rather than fighting each other here on Earth? I think that is an important item. And 13 nations, the United States, Canada, Italy, Belgium, The Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia are joining together in the largest scientific cooperative program ever, the biggest single scientific cooperative program ever in the history of this country.

We are drawing on the history of the world. We are drawing on Russian expertise and long duration space flight and existing Russian technology and equipment. And the international space station will help redirect the focus of Russian technology programs to nonmilitary pursuits.

This service is a symbol of the opportunities available through a peaceful international initiative. We will have several laboratories aboard the space station: the United States lab, one other United States facility, the European space agency Columbus Orbital Facility, a Japanese experiment module, and three Russian research modules. Partner nations will contribute $9 billion to the U.S. cooperative effort. And international contributions mean international cooperation bringing together the best scientific minds worldwide to answer fundamental scientific questions in this new laboratory of space.

Mr. President, I have used on the floor before the statement by Daniel Webster when they were contemplating in the Senate of the United States whether to provide money to buy land beyond the Mississippi. And he said as follows:

> What do we want with this vast worthless area, this region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust and cactus and prairie dogs? To what use could we ever hope to put these great deserts or those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of 3,000 miles, rock-bound, cheerless, uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote 1 cent from the Public Treasury to place the Pacific coast 1 inch nearer to Boston than it is now.

Mr. President, I use that statement again to show how myopic Daniel Webster's vision was, learned though he might have been. Certainly, that Western half of the United States, which we were better able to explore than we are going into space, took more than any 25 or 30 years to develop to where it was useful and bring back all the benefit of all of the money we had spent on it.

People have stood here on Earth and looked up for a hundred years, or several hundred thousand years. We have wanted to travel up there. We wanted to go see what it was like. Now we can use that area of space.

One other area. It is not only international cooperation but it is inspiration for our own youth in this country. I think that is an important byproduct, or important add-on to the space program that we sometimes ignore. It is exciting for our young people to know that we are leading the world in science, technology, and research. It is exciting enough that a lot more are going into science and math because of this. How do we measure those benefits? I don't know. In the future, if we can inspire our young people through the space program and the continuing space station, I think that pays off in benefits for the future beyond anything we can see at the outset. Just like the history of this country has shown, that money spent on basic research, even though we can't quite see the benefits at the outset—if there is one thing we have learned, money spent on basic research seems to have a way of paying off in the future beyond anything we see at the outset. This is one of the biggest research programs that the whole world has ever undertaken, and I think it has the biggest potential payoff.

I ask unanimous consent to have some additional information printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY A SPACE STATION?

To create a permanent orbiting science institute in space capable of performing long-duration research in the materials and life sciences in a nearly gravity-free environment.

To conduct medical research in space.

To develop new materials and processes in industry.

To accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth— and will create jobs and economic opportunities today and in the decades to come.

To maintain U.S. leadership in space and in global competitiveness, and to serve as a driving force for emerging technologies. To forge new partnerships with the nations of the world.

To inspire our children, foster the next generation of scientists, engineers, and entrepreneurs, and satisfy humanity's ancient need to explore and achieve.

To invest for today and tomorrow. (Every dollar spent on space programs returns at least $2 in direct and indirect benefits.)

To sustain and strengthen the United States' strongest export sector-aerospace technology—which in 1995 exceeded $33 billion.

MEDICAL RESEARCH AND THE LIFE SCIENCES

The early space program and experiments conducted on the Space Shuttle have made remarkable contributions to medical research and the study of life on Earth.

The Space Station is the next step: a permanent orbiting laboratory.

The Space Station will provide a unique environment for research on the growth of protein crystals, which aid in determining the structure and function of proteins. Such information will greatly enhance drug design and research in the treatment of diseases. Crystals already grown on the Space Shuttle for research into cancer, diabetes, emphysema, parasitic infections, and immune system disorders are far superior to crystals grown on Earth.

The almost complete absence of gravity on the Space Station will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, osteoporois (bone calcium loss), hormonal disorders, and immune system function.

Space Station research will build on the proven medical research already conducted on the Space Shuttle. The Space Station will enable long-term research with multiple subjects among the six-member crews.

Research equipment developed for the Space Station is already paying dividends on the ground. Scientists are growing ovarian tumor samples in NASA's new cell-culturing device so that tumors can be studied outside the body, without harm to the patient. A similar trial is under way for brain tumors.

Medical equipment technology and miniaturization techniques developed for the early astronauts are still paying off today, 30 years later. For example:

NASA has developed a ''cool suit'' for the Apollo missions, which is now helping to improve the quality of life of multiple sclerosis patients.

NASA technology has produced a pacemaker that can be programmed from outside the body.

NASA has developed instruments to measure bone loss and bone density, without penetrating the skin, that are now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across; it provides more precise control of blood sugar levels and frees diabetics from the burden of daily insulin injections.

TECHNOLOGY AND ENGINEERING FOR THE FUTURE

The race to the Moon required great advances in engineering and technology that still fuel our economy today. The Space Station will be a testbed for the technologies of the future, as well as a laboratory for research on new, high-technology industrial materials.

Experimental research in the near absence of gravity produces new insights into industrial processes in materials that cannot be replicated on Earth, including an increased understanding of fluid physics and combustion. Space Shuttle experiments that study metal alloy solidification in space could lead to making lighter, stronger superalloys. A better understanding of the combustion process can lead to energy conservation on Earth. A 2-percent increase in burner efficiency for heaters would save the United States $8 billion per year.

The Space Station will be an industrial research and development laboratory to test lower-cost heating and cooling systems, long-life power converters, safer chemical storage and transfer processes, air and water purification, waste management, and recycling systems.

Telerobotic and robotic systems validated on the Space Station will increase human efficiency in space and result in reliable, low-maintenance robots for industry and commercial purposes on Earth.

Research on large space vehicles will lead to improved computer software for developing new, lightweight structures, such as antennae and solar collectors with precision-pointing accuracy. Such developments will greatly benefit the communications, utility, and transportation industries.

As with the Apollo program before it, the Space Station will be a proving ground for advances in communications, computers, and systems integration. The International Space Station program will use telepresence, telescience, expert systems, and the integration of communications and data on an unparalleled scale.

Space Station facilities with the near absence of gravity will permit researchers to study materials that could not exist and processes that could not take place in full Earth gravity. These materials include polymers for everything from paint to contact lenses, semiconductors for high-speed computers and electronics, and high-temperature superconductors for efficiency in electrical devices.

A NEW ERA OF PEACEFUL COOPERATION

As the world redefines itself in the wake of the Cold War, the Space Station is a catalyst for international cooperation and a powerful symbol of U.S. leadership in a changing world. The Space Station:

Continues the largest scientific cooperative program in history, drawing on the resources and scientific expertise of 13 nations: the United States, Canada, Italy, Belgium, Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia.

Will channel the aerospace industry of Russia and other countries into non-military pursuits to reduce the risk of nuclear proliferation and slow the traffic of high-technology weaponry to developing nations.

Will provide international commercial opportunities for U.S. companies.

Uses existing Russian space technology, capability, expertise, and hardware to build a better Space Station more quickly and cost-effectively.

Taps into the Russians' vast experience in long-duration spaceflight to benefit the international partnership.

Serves as a symbol of the power of nations to work together on peaceful initiatives and serves as a test case for building mutual trust and shared goals.

Demonstrates that former adversaries can join forces in a peaceful pursuit at a fraction of the cost of the arms buildup during the Cold War era.

Provides a means to influence policies beyond space cooperation, such as giving Russia and the other countries of the former Soviet Union a greater interest in broader U.S. policy initiatives.

Draws significant financial support from the partner nations, which will collectively add more than $9 billion to the U.S. contribution. The partners from the European Space Agency, Canada, and Japan have already expended more than $5 billion on their development programs.

INSPIRATION AND INVESTMENT IN THE FUTURE

The Space Station will inspire a new generation of Americans to explore and achieve, while pioneering new methods of education to teach and motivate the next generation of scientists, engineers, entrepreneurs, and explorers.

Space science is a catalyst for academic achievement. Enrollment trends of U.S. college students majoring in science and engineering track closely with the funding trends of the U.S. space program.

NASA is a leader in the development of virtual reality and telepresence technologies, giving students the same benefits they would get from actual presence on the Space Station and interaction with real astronauts.

Astronauts and cosmonauts serve as role models, capturing the imagination of future leaders and encouraging more students to study science and engineering.

In addition to lessons from space, students of the future will have experiments on the Space Station and will conduct them from their classrooms on the ground. Students will transmit and receive data, manipulate equipment remotely, and evaluate the experiments through data interpretation.

With the new international focus, students will absorb broad lessons in the value of cooperation as we work with partners in Russia, Europe, Japan, and Canada.

Teachers and communities across the nation are already using Space Station concepts in the classroom. NASA receives unsolicited drawings and models of the Space Station by students of all ages. Communities and states conduct ''Space Week,'' during which students live in a bus outfitted as a Space Station.

DESIGN, MANAGEMENT, AND COST

Independent external review teams have confirmed that the management structure of the International Space Station program has been greatly improved. Now the Space Station will have more laboratory space, more electric power, and a larger crew. It will cost $5 billion less than the cost projected for Space Station Freedom. Greater international participation will be present.

Dr. Charles M. Vest, chair of an independent review committee and President of MIT, stated: ''NASA has performed a remarkable management turnaround.''

Instead of four NASA offices overseeing four prime contractors, the Space Station program is now managed by a single NASA office through a single prime contractor, the Boeing Company, which is known for its innovative management.

This program is affordable. The Space Station constitutes only ½ of 1 percent of the federal budget and less than 15 percent of the total NASA budget. It will cost each American $9 a year—about the same as a night at the movies.

NASA has met all of its external and internal deadlines in redesigning the Space Station.

Fully 75 percent of Space Station Freedom's elements will be used on the International Space Station.

The Space Station program has successfully managed its $2.1 billion average annual expenditure since redesign. The program's budget is $11 billion from the present through completion in 2002, for a total of $17.4 billion.

Our international partners have endorsed the design of the International Space Station and the new management structure. Their commitments will total more than $9 billion on the Space Station, of which more than $5 billion has already been expended or placed on contract.

FACTS ON LIFE AND MICROGRAVITY RESEARCH

Statistics

There were 627 total lead investigators in 1995.

Investigators represent more than 100 institutions of higher learning and more than 40 laboratories and other institutions in 40 states and the District of Columbia.

More than 900 graduate students were supported through NASA research in 1995.

Life and microgravity researchers published more than 1,000 journal articles in 1995.

There were more than 1,000 new research proposals received in 1995.

Background

Life and microgravity science research is solicited through an open, highly competitive, peer-review process to ensure that the most meritorious science gains access to orbit.

Historically, NASA's resources have allowed the agency to accept only about the top fifth of the proposals it receives for life and microgravity research. This level of selectivity is comparable to that of other major U.S. science funding sources, such as the National Institutes of Health and the National Science Foundation. Only 10 to 20 percent of these accepted proposals lead to flight experiments, so selection for flight is even more competitive.

Because of the great demand for limited orbital research opportunities, NASA selects research for flight opportunities only if it cannot be conducted on Earth. Flight research is selected from and supported by a larger research effort on the ground.

NASA is fully committed to its close working relationship with the scientific community and to full access to NASA facilities for the most meritorious scientific research. NASA works with the scientific community through its advisory committees and subcommittees, the National Research Council, and working groups of distinguished scientists.

FACTS ON INSPERATION AND INVESTMENT IN THE FUTURE

Astronauts

Astronauts make thousands of appearances each year all over the world.

Eighteen percent of the active members of the astronaut corps are women.

Col. Guion S. Bluford, USAF, was the first African-American in space (1983).

Dr. Sally K. Ride was the first American woman in space (1983).

Lt. Col. Ellison S. Onizuka, USAF, was the first Asian-American in space (1985).

Dr. Franklin R. Change-Díaz was the first Hispanic-American in space (1986).

Maj. Eileen Collins, USAF, was the first female Space Shuttle pilot (1995).

Education

Traveling aerospace education units

These units visit hundreds of thousands of students each year.

Space science student involvement program

This program provides challenges in science, writing, and art.

This includes elementary, middle, and secondary school students.

The program provides an aerospace internship competition for students in grades 9–12.

Thousands of students participate every year.

Urban Community enrichment program

This program is designed to serve middle school students in urban areas.

It raises an awareness of multicultural contributions to NASA.

The program fosters career awareness in science and mathematics.

Thousands of students and hundreds of teachers participate each year.

NASA educational workshops for teachers

These workshops recognize outstanding teachers.

They provide educational advancement opportunities in science, mathematics, and technology.

Hundreds of elementary and secondary teachers participate each year.

Americans and the Space Program

The National Air and Space Museum has averaged more than 9 million visitors per year.

NASA operates hundreds of traveling exhibits each year, which are attended by millions of people.

Millions of people visit NASA Visitor Centers every year.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Statistics

End-to-End Width (Wingspan)—356 feet
Length—290 feet
Weight—470 tons (940,000 pounds)
Operating Altitude—220 miles (average)
Inclination—51.6 degrees to the Equator
Atmosphere—14.7 pounds per square inch (same as Earth)
Crew Size—6

Hardware

Canadian Mobile Servicing System—includes a 55-foot robot arm with a 125-ton payload capability. It also includes a mobile transporter, which can be positioned along the truss for robotic assembly and maintenance operations.

Functional Cargo Block (FGB—acronym from the Russian term)—includes the energy block contingency fuel storage, propulsion, and multiple docking points. The 42,600-pound element, built in Russia, but purchased by the United States, will be launched on a Proton vehicle.

Russian Service Module—provides life support and utilities, thrusters, and habitation functions (toilet and hygiene facilities). The 46,300-pound element will also be launched on a Proton vehicle.

Science Power Platform (SPP)—provides power (approximately 25 kilowatts) and heat rejection for the Space Station's science and operations.

Crew Transfer Vehicles (CTVs)—include a modified Russian Soyuz TM capsule and another vehicle yet to be determined. The Soyuz CTV can normally accommodate a crew of three, or a crew of two when considering return of an ill or injured crewmember with room for medical equipment.

Progress Cargo Vehicles—carry reboost propellant (up to 6,600 pounds) to the Space Station about four times per year.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Seven laboratories

Two U.S.—a laboratory and a Centrifuge Accommodation Module (CAM).

One European Space Agency (ESA) Columbus Orbital Facility (COF).

One Japanese Experiment Module (JEM).

Three Russian Research Modules.

The U.S., European, and Japanese laboratories together provide 33 International Standard Payload Racks; additional science space is available in the three Russian laboratory modules.

The JEM has an exposed platform, or ''back porch,'' attached to it, with 10 mounting spaces for experiments, which require direct contact with the space environment. The JEM also has a small robotic arm for payload operations on the exposed platform.

U.S. Habitation Module—contains the galley, toilet, shower, sleep stations, and medical facilities.

Italian Mini Pressurized Laboratory Module (MPLM)—carries all the pressurized cargo and payloads launched on the Space Shuttle. It is capable of delivering 16 International Standard Payload Racks.

Two U.S. Nodes—Node 1 is for storage space only; Node 2 contains racks of equipment used to convert electrical power for use by the international partners. The nodes are also the structural building blocks that link the pressurized modules together.

Total Pressurized Volume—46,200 cubic feet.

External Sites—four locations on the truss for mounting experiments intended for looking down at Earth and up into space or for direct exposure to space.

Power—110-kilowatt average (46-kilowatt average for research, with the Russian segment producing an additional 14 kilowatts for research). There are four large U.S. photovoltaic modules; each module has two arrays, each 112 feet long by 39 feet wide. Each module generates approximately 23 kilowatts. The arrays rotate to face the Sun, providing maximum power to the Space Station.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Station schedule

Schedule, Date, and Payload

First U.S. Element Launch, November 1997, FGB
First Russian Element Launch, April 1998, Service Module
Continuous Human Presence, May 1998, Soyuz
U.S. Laboratory Launch, November 1998, U.S. Pressurized Laboratory
Japanese Laboratory Launch, March 2000, JEM Pressurized Laboratory
ESA Laboratory Launch, September 2001, Attached Pressurized Module
Centrifuge Launch, August 2001, Centrifuge Accommodation Module
Habitation Module Launch, February 2002, U.S. Habitation Module
Assembly Complete/Continuous Full Crew, June 2002, CTV, Hab Outfitting

Transportation

Total Space Shuttle flights (1997–2002)	27
Assembly	21
Utilization/Outfitting	6
Total Russian flights	44
Assembly	13
Crew Transport	10
Reboost (propulsion)	21
ESA Assembly Flights (Ariane 5)	1
Launch Vehicle for CTV	1

Cost

	Billion
Preliminary Design (1985–1987)	$0.6
Station-Related Design/Development	0.7
Development	8.9
NASA Estimate for Assembly Complete	17.4
FY 94–96 Development, Utilization, Payloads and Mir Support	6.4
Cost to Go (1997—Assembly Complete in June 2002)	11.0
Development	(4.4)
Operations	(4.1)
Utilization Support	(0.3)
Payloads and Mir Support	(2.2)
Operations (2003–2012)	13.0

Mr. GLENN. Mr. President, I wish we had several more hours to discuss this. I hope my colleagues will take time to look at the more complete statement I had in the RECORD yesterday because it went into a lot of these areas in greater detail.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Thank you. I yield the floor.

Mr. BOND. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 55 minutes. The Senator from Missouri has 15 minutes. The Senator from Maryland has 4 minutes.

Mr. BOND. Mr. President, I invite my colleague from Arkansas, since we are about out of time, to utilize what time he wishes.

Mr. BUMPERS. Mr. President, I have listened to the speakers who oppose this amendment. I have listened very carefully. I have not heard anybody make any claims of any beneficial research, mechanical, medical, physical, or any other successful research being accomplished by the Russians and the former Soviet Union after 25 years in space. That is right. The Russians have had a space station orbiting the Earth for 25 years. The only reason in God's world we are putting one up there is because they have one. If you don't like that explanation, there is another one that is probably about as good, which is to figure out how we are going to get to Mars, because it is going to take at least 24 months to get there and back, and we want to know, can man survive that long in space. If you want that to be the justification for the space station, for Pete's sake, be honest about it and let us debate that. Carl Sagan is not rhapsodic about all these arguments about curing cancer, but he is about the exploration of space. Even Daniel Goldin said that we not only need to go to Mars, we need to have an outpost there on a permanent basis. He as much as said that is the reason for the space station. If you want to buy that as a rationale for building a space station, I won't vote for it because we don't have the money. Bear in mind that every dime you put into this space station is borrowed money.

Now, just as soon as we get through with this debate and I lose and we continue inexorably, irreversibly toward spending $94 billion we don't have, the same people will come over and you hear all these pompous speeches about balancing the budget. Senator HUTCHISON, a moment ago, talked about all the magnificent accomplishments so far of the space program. One was a remotely programmable heart pacemaker. And she mentioned other products and inventions. But I say to Senator HUTCHISON, those things could have been accomplished for peanuts right here on Earth. You don't have to go into space to develop a remotely programmable heart pacemaker. I also say that those things were discovered and developed by NASA, not the space station. The space station had absolutely zilch to do with those accomplishments.

If you want to do research in the space program on the shuttle, that's fine. I talked earlier about how many times I had gotten teary-eyed watching the shuttle take off. I want you to know that once I got involved in the space program—and I went on the space committee when I first came here and, believe you me, it was a spacey committee—I quit shedding tears when I found out it cost $400 million to send one of those things up. Think of that—$400 million. My good friend, Senator GLENN, said that I misspoke when I said we had only built

17 percent of the hardware of the space station. He suggested we had done 45 percent. Let me clarify that. We have built 165,000 pounds of the station's total 950,000 pounds of hardware. That is about 17 percent. However, NASA says Boeing has accomplished 45 percent of the prime contract. But of the $17 billion the space station is going to cost in the bill, the prime contract is now only $6 billion of it. It is true, we have done 45 percent of the prime contract, but we have actually only built 17 percent space station's hardware. And we are, according to the General Accounting Office, using up those reserves he talked about at a much faster pace than the program can sustain. I might also point out that Boeing is indeed at least 4 months behind, and the Russians are 6 to 8 months behind, and the press is reporting that the space station is already $500 million over its construction budget—$500 million.

If you ask any Senator how he would like to have $500 million for some of his favorite programs, he will start salivating.

I have not heard one single claim that one single case of influenza has been cured by anything we found in space. I have not heard one single claim anyone plans to commercially grow gallium arsenide crystals in space. They can be made there but nobody argues that you can do it economically. On the contrary, everybody says it is totally uneconomical. It is always what we are going to do. We have been at this business 35 years headed for a $94 billion project, and we are saying look what we are going to do.

Look at this chart. The cost is all broken down for you neat as a pin; $94 billion. I can hardly wait for us to get through with this so we can listen to all of the speeches about balancing the budget again.

Where is the cost going? We have already spent $18 billion since Ronald Reagan made that famous speech about how we are going to build this whole thing for $8 billion. We have spent $18 billion since then—$10 billion more than President Reagan suggested. That is just for building the station. That does not include the $51 billion we are going to spend on shuttle launches to keep the space station supplied with water, food, and whatever else they may need for 10 years, which is supposed to be the life of the space station. So it is all right there—shuttle launches, construction, operations, and $1 billion in additional costs. You still have $76 billion to spend. You can vote ''aye'' on this amendment and save the taxpayers of this country $76 billion. Give it to the National Institutes of Health and you might cure cancer. You might make a greater impact on AIDS, arthritis, and a host of other diseases which make life miserable for so many millions of people. You are not going to accomplish anything by putting it into the space station except maybe a good, warm, fuzzy glow occasionally.

This whole thing, $94 billion, works out to a total cost of $25 million for each day the space station will be in operation. You think of that. This thing is going to cost $25 million a day every 24 hours. What is it worth in gold? Twenty-five times its weight in gold. Isn't that something? You think about something costing 25 times its weight in gold for no tangible benefit.

Jobs—each job on this thing of the 15,000 jobs costs $140,000. I can tell you one thing. If I were from Texas, Alabama, or California, I would probably be on the other side of this issue. If I had 15,000 jobs, or any portion of those 15,000 jobs at $140,000 apiece, I would probably think the space station was the greatest thing since sliced bread.

It is going to cost us $12,880 to transport one pound of water or bread or anything else to the space station. Each astronaut is going to use how many pounds of water a day? They are allocated for all purposes I believe 9.5 liters per day. It all comes to $319,000 a day I believe for each astronaut, just for bottled water. That is $1.9 million in water per day for a crew of six astronauts.

Mr. President, I want to read a portion of a letter which I consider to be extremely important in this debate. The testimony by Prof. Robert L. Park before the Commerce Committee, the Subcommittee on Science, Technology, and Space, which he delivered on July 1, 1993. I am not going to attempt to read the whole letter. But I am going to read the salient parts of it. I hope my colleagues will pay close attention to this.

Dr. Park represents the American Physical Society with 40,000 physicists including astrophysicists. About the only physicists who support the space station are the ones that are on NASA's payroll. Here is what Dr. Park said:

> It is the view of the American Physical Society that scientific justification is lacking for a permanent manned space station in Earth orbit. We are concerned that the potential contribution of a manned space station to the physical sciences has been greatly overstated, and many of the scientific objectives currently planned for the space station could be accomplished more effectively and at a much lower cost on Earth by unmanned robotic platforms, or the Shuttle.

You have two groups of experts on the space station. You have physicists and you have medical science. Here is what the physicists say. He goes on to say:

> The only unique property of a space station environment is microgravity. It is not surprising, therefore, that much has been made of this environment in attempts to sell the space station, but many years of research on shuttle flights and in continuous operation of the Russian space station Mir have produced absolutely no evidence that this environment offers any advantage for processing materials or drugs. Indeed, there are sound reasons for doubting that it could. Gravitational forces are simply too weak to significantly affect most processes.

He goes on:

> A possible exception was thought to be the growth of molecular crystals, specifically protein crystals. In November, however, a team of the Americans that collaborated in protein crystal growth experiments on Mir and on the U.S. space shuttle reporting in Nature magazine that 10 years of work at stupendous cost has produced no significant breakthrough in protein crystal growth. Microgravity has no effect on crystallization of most proteins, they report, and, if it does, crystals are as likely to be worse as better. No protein has been observed to crystallize in microgravity that does not crystallize on Earth.

In short, you can do it on Earth. You do not have to spend $100 billion to go into space.

He goes on to say, in quoting Dr. Blumberg at Harvard, a Nobel laureate and physicist, and he summed it up bluntly in testimony before a Senate committee. Microgravity, he says, is of ''microimportance.''

Then he goes on to the spinoff, what you are going to get out of the spinoff. ''It is both false and demeaning for NASA to claim''—listen to this. He says:

> It is both false and demeaning for NASA to claim that products, from magnetic resonance imaging to synthetic pig teats, are spinoffs of the space program. Any program that spends $15 billion per year is bound to produce something that society can use, but few of NASA's claims stand up. Indeed, an internal NASA study of technology transfer which became public in January acknowledged that NASA's spinoff claims were exaggerated, including such famous examples as Velcro, Tang and Teflon. Contrary to popular belief, the study found NASA created none of these.

I have heard that old Teflon, Velcro, Tang argument for 5 years. NASA had nothing to do with it except publicize it.

Let me just close this segment by saying the opportunities for saving money are very limited around here. This year, the deficit is going to be $116 billion. If Bill Clinton had not acted when he did in 1993, it would be $290 billion this year. I do not care whether you like Bill Clinton or not. A lot of people here do not. But he did something that was very unpopular in 1993—he raised taxes. But he raised taxes on the wealthiest 1.2 percent of the people of this country; 28 million people actually got their taxes lowered. But we are today looking at the most dramatic reduction in the deficit any of us ever dreamed would happen. It is a gratifying thing to see that deficit reduced so dramatically over a 4-year period. But I can tell you, while that was not easy, it is easy compared to how you are going to find that other $116 billion toward a balanced budget. You are not going to balance the budget by spending this $76 billion. You keep spending money like this and all you can do is make those great speeches about balancing the budget but you will never balance it. You may convince the chamber of commerce back home that your heart is in a balanced budget, but you just cannot find it in your heart to vote for the things that bring about a balanced budget.

So I plead with my colleagues to show the kind of spine and spunk that

your constituents have a right to expect of you. Oh, it is an easy vote; 99 percent of the people in this country really do not care whether you vote ''aye'' or ''nay'' on this. That is the reason you cannot win it. That is the reason I have not won it in 5 years; it is too easy to vote ''aye.''

So, as I said, I have no illusions about what the vote is going to be, but I am just like the turtle. A man was riding the turtle across the creek. The turtle got out in the middle of the creek and he went under after he promised he would not. And the man who was on the turtle's back said, ''You promised me you wouldn't do that. Why on Earth did you do it?'' And the old turtle said, ''I guess it is just my nature.'' That is the way it is around here. It is just our nature to vote for big spending projects like this and make speeches about balancing the budget.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Arkansas. I understand that there may not be additional speakers on his side. Is that correct? We have, I believe, under my control only about 15 minutes left. There are five people who have asked for that 15 minutes, including myself, Senator BENNETT, Senator SHELBY, Senator HEFLIN, and Senator BURNS. I urge those who want to share in that largess to come join us very quickly because we may—and I want to put all Senators on notice—be able to go to a vote earlier than 10 minutes of 6.

Mr. BUMPERS. Mr. President, if I may say to the Senator from Missouri, I recognize I have been in that position too many times when Senators want to speak but do not come to the floor. But in the interest of accommodating him, if the Senator would like to put in a quorum call without the time being charged to either side, that would be satisfactory until the speakers get here.

Mr. BOND. Mr. President, unfortunately, as much as we wish to accommodate speakers, we also have to accommodate the leadership, which wants us to move forward on the bill. We do have a Senator who is ready to go, and I am pleased to allocate 3 minutes to the Senator from Utah, Mr. BENNETT.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair. I thank the Senator.

I will not give all the arguments for the space station. I have given them in times past and Congresses past in debate with my friend from Arkansas. He says it is his nature to bring it up. It is my nature to be for it. I will, however, return to a previous quote that I have used in past debates that I think summarizes why it is we go ahead with it. Samuel Eliot Morison, the great historian, wrote this about this country. He said:

America was discovered accidentally by a great seaman who was looking for something else. When discovered, it was not wanted and most of the exploration for the next 50 years was done in the name of getting through or around it. America was named after a man who discovered no part of it. History is like that, very chancy.

Mr. President, that is why we are going into space. No, we do not know with exactness what we are going to find. We cannot predict it any more than the people who discovered this continent from the European side could predict what would happen, and indeed what we find there may not be wanted just as this country was not wanted for a long period of time. But I will share with the Senate this experience.

Every year, I sponsor in the State of Utah an activity called Space Talk, where we get together and talk about space and what can be done in space and what the prospects of space are. Last year, as part of Space Talk, NASA agreed to allow the shuttle on its way from Cape Canaveral to Edwards Air Force Base to stop in Salt Lake City to refuel and stay overnight. As it turned out, the 747 carrying the shuttle banked in over the Salt Lake Valley just about at the end of the day, just about at sunset it came over. There were approximately 100,000 people who stopped in their cars on the freeway, who came out of their houses and stood in their front yards and who waved and acknowledged that as it made a pass down the valley, then turned, came back in low over the valley and finally landing at the Salt Lake airport. I still have people who will come up to me on the street corner literally with tears in their eyes and say, ''Senator, that was one of the most emotional experiences of my life. How proud I am to be an American,'' demonstrating their support for the space program. America has not lost the sense of exploration that it had all the way back to Columbus' time, and we should not lose it again.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 3 minutes and ask that I be notified when that 3 minutes has expired.

I do wish to urge my colleagues who had wanted time to come over, those in support. The time is running out.

I did want to answer the legitimate question asked by the Senator from Arkansas: What do you expect to get out of this? What good is going to come from it?

Just a small sample, Mr. President. The National Depressive and Manic-Depressive Association in a letter of July 27, 1995, to Administrator Goldin, the executive director, expresses ''our support for the human brain and neurological research that is part of NASA's international space station program.''

We have a similar letter from the Multiple Sclerosis Association of America, saying:

We are especially optimistic about a project on the station called Neurolab, dedicated to neurological research. This research could be essential to MS patients. Because MS is a neurological disease, the more we know about the brain, the closer we are to understanding and overcoming this illness.

The American Medical Women's Association has written that:

The space station will provide important research opportunities in the following areas:

Diseases predominantly affecting women, including breast, ovarian and cervical cancers and endometriosis;

Diseases more prevalent in women, such as osteoporosis, diabetes and other autoimmune diseases;

Areas in which women are particularly vulnerable, such as biological rhythms, cyclic hormonal changes and balance disorders . . ..

I ask unanimous consent all these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE PLANETARY SOCIETY,
July 24, 1995.

House of Representatives,
Washington, DC.

DEAR REP. GINGRICH: In the past few weeks you have received mail and calls from some of your constituents who are among the over 100,000 members of The Planetary Society. We are urging you to support the President's proposed budget for NASA. Although that budget calls for significant cuts—about four percent per year for the rest of the decade—it preserves important NASA missions and programs to explore other worlds and to understand our own.

This week, the House will vote on the NASA Appropriation as part of the HUD–VA–Independent Agencies bill. There will an amendment offered to cancel the space station. We oppose that amendment.

The Appropriations bill gives NASA $600 million less in FY 1996 than in the President's proposed budget. We believe that cut, on top of the Administration reductions, is too deep and threatens the vitality of the American enterprise in space.

The recent shuttle-Mir success; the stirring results from the Hubble Space Telescope; and the new cheaper, faster, better missions of Mars Surveyor, Discovery and New Millennium bode well for the future. The great interest in the movie Apollo 13 is a reminder of how much these successes mean to the American public, and how important the NASA ''can-do'' philosophy is to our nation.

The building of the space station is an important global effort. It is the largest and greatest international engineering project in history. Many European nations, Japan, Russia, and Ukraine have investments commensurate with that of the United States. The international space station, like Project Apollo, is serving a greater national interest besides that of space development. Like Apollo, it is playing on a world stage.

Several years ago, Carl Sagan, Bruce Murray, and Louis Freidman—the officers of The Planetary Society—testified to Congress with a statement called ''A Space Station Worth the Cost.'' We opposed the then-space station plan as serving no national purpose, as being unrealistic and counter-productive in its budgeting, and as not contributing to the goals of human exploration beyond Earth orbit.

Those defects have now been remedied. The present plan is working on a fixed budget with meaningful cost-savings from Russia's participation. It is serving national and international interests. And, in perhaps the

biggest difference from the previous plan, it has put Americans back in space, making progress toward understanding the physiological effects of long-duration spaceflight. Norm Thagard just broke the American endurance record in space—five years earlier than anyone would have under the previous space station plan.

For Congress to cancel the space station now would cause huge disruptions in many local and regional economies, and worse yet, it would scar our national psyche. It would end the rationale for America's manned space program, and with it would die some of the spirit of a great nation bold enough to seek great achievements.

We ask your support now for the entire NASA program; Manned Spaceflight, Science, Mission to Planet Earth, Technology and Aeronautics. All have been cut this year as well as in the past several years. There is a delicate balance among them now, important to preserving each enterprise, and important to preserving the whole.

Thank you very much for your consideration.

Sincerely,

CARL SAGAN.
LOUIS FRIEDMAN.

MULTIPLE SCLEROSIS ASSOCIATION OF AMERICA,
June 20, 1995.

Hon. ROBERT S. WALKER,
Chairman, House Subcommittee on Science, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WALKER: I am writing on behalf of the Multiple Sclerosis Association of America (MSAA) to express our support for the International Space Station and the medical research that is an integral part of the project. MSAA is a national organization in its 25th year of service in improving the lives of the 300,000 people diagnosed with multiple sclerosis (MS) in the United States and an additional 200,000 as yet not diagnosed.

The MSAA is hopeful, as new findings continue to emerge from space-based research and the possibilities that the International Space Station holds. We are especially optimistic about a project on the station called Neurolab, dedicated to neurological research. This research could be essential to MS patients. Because MS is a neurological disease, the more we know about the brain, the closer we are to understanding and overcoming this illness.

The MS community has benefited from NASA technology to date by utilizing microclimate cooling systems to control MS patients' exacerbations, which are brought on or worsened by heat. Controlling body temperature is crucial to MS patients' health since overheating can cause painful and debilitating symptoms. The MSAA has signed a Memorandum of Understanding (MOU) with NASA to provide information on liquid cooled garments (''cool suits'') as well as helping to make the present technology widely available to patients and utilizing other spinoff technology.

The MSAA urges Congress to appropriate funding for this important research project. NASA's ''cool suit'' literally has changed the lives of some of those suffering from MS. If space-based research continues, perhaps MS patients will have more options and more information in understanding this elusive and incurable disease.

Sincerely,

JOHN G. HODSON, Sr.,
President and Chairman of the Board.

NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION,
July 27, 1995.

Hon. DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration Washington, DC.

DEAR ADMINISTRATOR GOLDIN: On behalf of the 275 chapters of the National Depressive and Manic-Depressive Association (National DMDA), I want to express to you our support for the human brain and neurological research that is part of NASA's International Space Station program. As an organization representing patients affected with depressive disorders, we are strong advocates for improving treatments for diseases of the brain.

Founded in 1986, by and for patients and their families, National DMDA's mission is to educate patients, families, professionals, and the public about the nature of depressive (unipolar) and manic-depressive (bi-polar) illness as medical disease. As the only illness-specific, patient-run organization in the nation, National DMDA seeks to foster self-help for patients and families, eliminate discrimination and stigma, improve access to care and advocate for research toward the elimination of these illnesses.

We believe the International Space Station will augment and complement ground-based brain research and add to the nation's arsenal of research facilities. NASA's cooperative agreements with the National Institutes of Health's (NIH) National Institute of Mental Health (NIMH) and National Institute of Neurological Disorders and Stoke (NINDS) ensure that human brain research efforts are carefully coordinated and contribute to significant progress in the understanding and treatments of brain and neurological disorders. We are also encouraged by the potential for medical breakthroughs offered by NASA's Neurolab, which involves six Institutes of the NIH and several nations in joint spaceflight research ventures dedicated to research in neurological and behavioral sciences.

The Space Station program and related cooperative agreements with NIH are providing needed medical research into brain disorders that will improve the quality of life for millions of Americans. Therefore, we support full and continued funding of the human brain research programs of NASA's International Space Station.

Sincerely,

SUSAN DIME-MEENAN,
Executive Director.

AMERICAN MEDICAL WOMEN'S ASSOCIATION,
June 12, 1995.

Hon. LINDA SMITH,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN SMITH: The American Medical Women's Association (AMWA), a professional organization of 13,000 women physicians, has been committed to improving the state of women's health for 80 years. Of primary concern to AMWA is the need for increased research in women's health. As such, AMWA supports the continuation of funding for NASA's International Space Station because it provides one of the most promising new visions for medical research on diseases that strike women and have unknown causes or cures.

Traditional research approaches have not been sufficient to unravel the complex mechanisms underlying diseases that afflict millions of women. The microgravity environment of space allows researchers to carry out experiments that cannot be performed on earth, potentially loading to medical breakthroughs. The Space Station will provide important research opportunities in the following areas: diseases predominantly affecting women, including breast, ovarian and cervical cancers and endometriosis; diseases more prevalent in women, such as osteoporosis, diabetes and other autoimmune diseases; area in which women are particularly vulnerable, such as biological rhythms, cyclic hormonal changes and balance disorders; diseases with different risk factors or interventions for women, such as cardiovascular disease, blood pressure control, lung cancer and AIDS.

NASA research has already benefitted women's health research. Since 1992, NASA entered into 18 different cooperative agreements with the National Institutes of Health to ensure that NASA biomedical research activities contribute to significant progress in the understanding and treatment of diseases and other medical conditions that affect women.

NASA is also a model for the inclusion of women in medical research, having performed and supported research related to the physiological function of healthy women (25 percent of NASA astronauts are women). This has included research in cardiovascular, neurological, endocrinological and musculoskeletal function; in biological rhythms, in behavior and performance; and in the effects of exercise and inactivities. These studies together represent a valuable and perhaps unique data base on the physiology of healthy women.

AMWA strongly urges Congress to consider the important biological research benefits of longer duration space-based research and maintain full funding of the International Space Station.

Sincerely,

DIANNA L. DELL, M.D.,
President.

Mr. BOND. I just conclude these brief remarks by saying that Carl Sagan who, in the past, along with the Planetary Society, raised great questions about the space station serving no national purpose has, now, written saying that the defects in the space program ''have been remedied'' and it is meaningful. ''We ask your support now for the entire NASA program.''

The PRESIDING OFFICER. The Senator's 3 minutes has expired. Who yields time?

Mr. BOND. Mr. President, I yield 4 minutes to the Senator from Alabama, Senator HEFLIN.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise in opposition to the Bumpers amendment. I have supported the space station from the very beginning. In fact, I made a speech and have been told by people at NASA that I was the first Senator to call for the building of the space station, more than 15 years ago.

I think the space station is coming along in an excellent manner. I happen to have had the opportunity to visit Boeing during the recess and saw the progress that is being made on the space station. It is up to schedule and is moving in a manner that will mean it will be launched on time and it will move forward in a proper manner.

The space station has many benefits for mankind. People sometimes question the byproducts that have occurred as a result of the space program. There are many, many byproducts that have

come about as a result of the space program. Many of them were not anticipated, but they developed as you develop the program for the space station. For example, digital watches came out of the space program.

I happen to be sort of a walking example of the various benefits that the space program has provided in the field of medical services. I have a pacemaker. The pacemaker idea came as a result of activities involved in the space station.

I also have what is known as a stent. A stent is sort of a metal pipe that is placed in my coronary artery, that holds open an area that became occluded. Therefore, this program with the idea of having a stent originated out of the space program, in regard to the use of metal and how metal could tie into tissue. So I am sort of a walking example of what the space program has done. There are many other benefits that have occurred as a result of the space program. There are volumes, actually, that have been developed, outlining the various programs.

So, I am fully supportive of the space program and of the space station. I think there are several things that are very important. Senator GLENN has gone into this in detail. But the crystallography, by which you grow crystals in microgravity, has been exceptionally beneficial to working toward finding a cure for disease. There is another program known as the electrophoresis program, which is the ability to separate a cell down to the smallest integral parts. To be able to someday use the ability to grow crystals and to grow cells to a much higher degree than they exist on Earth in microgravity, and then use the process of electrophoresis to separate those cells, into the smallest integral parts, has a great potential relative to finding cures for diseases.

So I am fully supportive of this.

Mr. President, to reiterate, I rise today in firm opposition to the amendment before us which seeks to terminate funding for the international space station. I have been, and will continue to be, a strong and vocal supporter of the international space station. I first rose on this floor over 15 years ago as one of the first proponents of a manned laboratory in space. I share with many in this Nation and this Congress a vision of maintaining and expanding the human experience in space. The space station is an investment in the future, an investment fully consistent with NASA's mission. The first words appearing in the 1958 act which created NASA state that the ''Congress declares it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.'' This project, more so than many others, is true to that charter.

The space station is the largest international peacetime cooperative effort ever undertaken. It will provide a platform for scientific research which could never be duplicated in any laboratory on the ground. The rhetoric surrounding this celebrated program seems to have taken on a life of its own. Old complaints, long since recognized and addressed, resurfaced with every budget debate. From the moment President Reagan proposed the space station in 1984, however, the project has been engulfed in controversy. Skeptics are not shy about decrying the space station as a flagrant misuse of tax dollars in a time of fiscal restraint. Social critics have argued that the money would be better spent at home, shoring up fractured urban areas and investing in better schools.

Congress has repeatedly voted by substantial bipartisan margins to continue our space exploration projects. But in a time of tight budgets, more attempts to kill sound investments in our future are expected. It seems to me, however, that we cannot back away from a strong investment in public interest and research, any more so than parents can decide not to fund their children's college education just because they might still have a mortgage on their home or a large balance on their credit card accounts. At the same time, we cannot ignore our fiscal dilemma. I have long been in the forefront of efforts to inject responsibility and discipline into the Federal budget process. Any public investment must be cost effective. I believe it is time to review the results of efforts to date and recognize the benefits of the project.

The vision of the Congress was to construct in orbit a permanently-manned space station. The purpose of the project was to exploit and enhance the technological superiority of our scientific, engineering, and aerospace industries. While much of the hard science and technology necessary to construct such a facility did exist, the scope of the project extended into hundreds of areas where the existing technology and knowledge base were not fully developed.

The need to create an environment in space which would support a permanent manned presence led us through years of life sciences experiments which have added to our understanding of the human body and produced countless biomedical breakthroughs which are saving or improving the quality of life for people everywhere. I have personally benefited from one such technology breakthrough when I have experienced heart problems in the recent past. The technique used to treat my condition came from the space station's life sciences developments. Our defense systems have also benefited from space exploration. Composite materials needed to endure the harsh environment of space have enhanced our competitive advantage in the engineering and aerospace industries.

Our international relations were enhanced and our construction and operations costs were reduced when we extended participation in this project to our international partners in Europe, Canada, and Japan. Each makes a contribution to the overall design in return for access to the completed station. And an unprecedented cooperative effort was forged when we extended our hand in friendship to the Russian people to join in this truly international space station.

Over the last few years, an enormous number of technological, organizational, and managerial difficulties have been resolved. A diffused and decentralized program structure suitable to the early design stages has been replaced by a lean, integrated, and responsive management structure where communication and accountability are clear. A single host center and a single prime contractor now coordinate and integrate the hardware which support the program.

Just a few days ago, the first U.S. space station module, node 1, passed a critical pressure test. This module features six docking ports and will serve as a gate-way connecting other station modules. The space station is expected to begin assembly in November 1997 with the launch of the Russian-built core vehicle, the functional cargo block. Node 1 is expected to be launched into space 1 month after this core-vehicle.

Now is not the time to pull the collective rug out from under this effort. We have made commitments to our international partners which we must not breach. We have sought the intellectual and capital investment of countless scientists, engineers, and program managers who have labored long and hard to support our ever elusive vision of this project. We gave these groups the vision of an international space station. We gave them the mission of constructing an orbiting laboratory in space. We have held the reins tight and offered considerable course correction at every turn in the development and design stages. Just as we are about to realize the results of this long labor, there are calls to squander our investment, terminate the work, and redirect the funding.

Such calls are short-sighted and ill-conceived, and should not be supported. This Nation enjoys a technological competitive advantage in aeronautics and space issues because of its tradition in investing in the future. Continued construction and operation of the space station will further our advantage. It will provide a laboratory in microgravity which will enhance our understanding of crystallography. It will give us advancements in biomedical research which will improve our health and welfare. It will provide a platform for environmental study of our fragile planet by allowing us to monitor and measure global changes both above and below the atmosphere.

When I hear some of my colleagues rail against the space station and other projects designed to propel us into the future, I cannot help but wonder what they would have said had they been around in 1492. Certainly had these political pundits been in Spain, the news

headlines would have read: ''Columbus voyage disaster, ship lost, India not found.''

We never know what benefits research and development will ultimately yield. Some of the most important discoveries in medicine and other field have been accidental in nature, just as Columbus' arrival in the New World was 500 years ago. Could any of us argue, with a straight face, that the cost of that long-ago voyage, which at that time was astronomical, has not been outweighed many, many times over by the benefits that were bestowed upon mankind?

As we reflect upon that journey during 1996, it would serve us well to think of and focus on the miraculous technological advances and discoveries—many of which have benefitted the human race immeasurably—that would never have been possible had the naysayers carried the day.

In his inaugural address to the Nation over 30 years ago, President Kennedy told Americans that they stood ''on the edge of a New Frontier.'' In describing the phrase that has become synonymous with his short administration, he inspired an entire generation by saying, ''Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the starts, conquer the deserts, eradicate disease, tape the ocean-depths * * *''.

Those words are no less profound today that they were in Kennedy's time, for as long as man is on this Earth, and as long as we are able to move forward with scientific and technological advances, we will always be on the brink of a new frontier.

As this will probably be my last opportunity to champion the international manned space laboratory, I remain fully committed to our vision. I ask my fellow colleagues to join with me today in defeating this unreasonable amendment and signaling our collective resolve to support the continued construction and operation of the international space station.

Mr. BOND. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes and 25 seconds.

Mr. BOND. I thank the Chair. Mr. President, does Senator MIKULSKI have additional time remaining?

The PRESIDING OFFICER. She has 4 minutes.

Mr. BOND. There is 4 minutes for Senator MIKULSKI and 3 minutes on this side. I believe other speakers have now indicated they will submit their statements and will not give them directly. At this point I will just wrap up. If Senator MIKULSKI wishes to make any further comments, I will be happy to have her comments. Otherwise, I propose to offer a tabling motion.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Does the Senator from Arkansas wish further time?

Mr. BUMPERS. I was just going to yield myself 2 or 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to clarify the record on one thing, before Senator HEFLIN leaves the floor. As he knows, he and I talked about it, I also have a stent in my heart. We are getting conflicting information. My doctor told me he was part of the team that developed stents out at the National Institutes of Health. He never did mention the space station or any part of space. So we will have to reconcile that little difference about who developed stents.

In any event, I am grateful to whoever did it.

Mr. HEFLIN. Amen.

Mr. BUMPERS. Mr. President, I want to add one point about the cost of keeping the astronauts supplied with in water in space. As I said before, it will cost $12,880 per pound to ship water to the space station. With each astronaut allocated 9.5 liters of water per day, that comes to $1.9 million per day just to keep a crew of six supplied with water. I've done some more calculations and that comes out to about $700 million per year.

Let me say that again, because I think that is sliding over everybody's head. We are talking about almost three-quarters of a billion dollars a year to send water to six people on the space station. Now, you talk about balancing the budget, that is a great way to do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator from Arkansas has approximately 31 minutes remaining.

Mr. BUMPERS. Is the distinguished manager of the bill short on time? I will be glad to yield some time.

Mr. BOND. Mr. President, I think we have all the time we need on this side. The Senator from Maryland has 4 minutes, if she wants to use it. I can conclude in the little time I have. If the Senator from Arkansas is ready to yield back, I will offer a tabling motion.

Ms. MIKULSKI. Mr. President, I understand I have yet 4 minutes.

The PRESIDING OFFICER. It is the Chair's understanding the Senator from Maryland has 4 minutes remaining.

Ms. MIKULSKI. I claim those 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I conclude in my opposition to the Bumpers amendment by talking about the impact, what it would mean to both taxpayers' jobs and scientific innovation.

Cost to terminate the station would erode any fiscal 1997 savings gained from cancelling the program. Termination costs are estimated at $700 million. The U.S. Government has invested $6.4 billion in the redesigned station and, for the most part, what the Bumpers amendment would do is essentially lose what we have already put in.

Let's go to mission and employment. Termination of the space station would result in the loss of 15,000 highly skilled engineering and production jobs currently under contract, Mr. President, 15,000 jobs in Texas, in Alabama, and in other parts of our great country. In addition, 1,300 civil service positions directly supporting the space station would become expendable. A conservative multiplier effect in California, Texas, Alabama, and Florida estimates 40,000 jobs.

We could talk about science impact, international impact, and the intangibles. Since its inception, the U.S. space program has driven science and technology. It has also motivated our young people to enter careers in space research, engineering, and has inspired the Nation.

We all went to see ''Apollo 13.'' Apollo 13 was more than a movie. It was the whole Apollo program, the space station program. The Hubble telescope is inspiring young people to move in to study science and engineering, and whether they come or go in the space program, they are going to be fit for duty in the 21st century and inventing products we do not begin to think of.

The long-term cutting edge, high-risk R&D is exactly what the United States of America needs. The investment NASA is making in breakthroughs in science and technology will make long-term economic growth possible. It is exactly this type of activity that we need in the United States of America.

Right now in Desert Strike, we are using smart new weapons of war to bring a dictator under heel. I also want to see in the civilian area these new smart technologies that will generate jobs and keep our economy a 21st century economy. Therefore, we cannot approach it with a 19th century attitude or framework.

Mr. President, that concludes my remarks. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, does my colleague from Arkansas wish any further time?

Mr. BUMPERS. I do not think so. Is the Senator from Missouri prepared to yield back?

Mr. BOND. I am going to conclude with my 2 minutes.

The PRESIDING OFFICER. One minute thirty seconds for the Senator from Missouri.

Mr. BOND. I ask unanimous consent that the vote be held at 5:30.

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

Mr. BOND. With the time equally divided.

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

The Senator from Missouri.

Mr. BOND. Mr. President, I claim a minute of that time just to follow up on the comments I made earlier. There were questions raised about what we can learn from the space station. We have not learned anything yet. Well, we have not had the space station up yet.

Here is a letter that I thought particularly compelling. This letter begins:

On Earth, we are prisoners of gravity. Gravity influences all life on Earth . . .

In orbit, there is very little gravity—

Or zero-g.

The microgravity environment of space allows researchers to unmask gravity and to see, in many cases for the first time, deeply into physical, chemical, and biological processes which were previously obscured by gravity. . . . This promises to lead to radical new scientific discoveries about life on Earth.

Fundamental insights from international Space Station research will produce broad-ranging benefits for humanity for generations to come.

The writer says:

I don't have space here to catalog all of the potential contributions that the international Space Station could make to the world's biomedical research efforts. I hope the examples I have provided will serve to illustrate this basic point: NASA technology and Space Station research will support the broader fight against human disease and make tremendous contributions to the quality of life here on Earth.

The letter is signed, from the Baylor College of Medicine, Dr. Michael E. DeBakey.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BAYLOR COLLEGE OF MEDICINE,
Houston, TX, July 26, 1995.

Hon. ROBERT WALKER,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WALKER. On Earth, we are prisoners of gravity. Gravity influences all life on Earth. Gravity influences the behavior of everything—from single-celled organisms to rocks, plants, and ships at sea—on the surface of this small blue planet. When we fall, we fall down. We stay attached to the chairs in our offices because of the constant pull of gravity. In the plant world, roots grow down. Even in our own bodies, our hearts have to work harder when we stand than when we're lying down. Try as hard as I might, I can't even begin to imagine what life would be like on Earth without gravity.

In orbit, there is very little gravity. This radically different environment is sometimes referred to as ''zero-g,'' or, more accurately, microgravity. The microgravity environment of space allows researchers to unmask gravity and to see, in many cases for the first time, deeply into physical, chemical, and biological processes which were previously obscured by gravity. Thus, thanks to our space program, for the first time in the history of humankind, scientists can manipulate gravity by decreasing its force as well as increasing it. This allow us to manipulate a primary force of nature in a way that promises to lead to radical new scientific discoveries about life on Earth.

Fundamental insights from international Space Station research will produce broad-ranging benefits for humanity for generations to come. Indeed, we are already seeing significant benefits from the limited research we can conduct on the Space Shuttle. One example is in the field of telemedicine.

Telemedicine is the practice of medicine through the exchange of information, data, images, and video across distances using telecommunications networks such as telephone lines, satellites, microwaves, and the Internet. Today's telecommunications technology, which provides international accessibility in real-time, greatly enhances the delivery of medical care.

The available technologies can link remote sites to larger medical centers, which can provide an opportunity for specialty consultations that might not otherwise be possible. The application of telemedicine offers advantages of cost-effectiveness as well as improved care to remote areas, disaster sites, and undeserved populations.

NASA has been a pioneer in telemedicine since the early 1960s, when it was faced with the challenge of monitoring the health of astronauts in spacecraft orbiting the Earth. NASA's continued use and development of telemedicine to enhance the delivery of medical care in space for future long-duration platforms, such as a space station, will help to support the rapidly expanding application of this technology to health care here on Earth.

In addition to its contributions to the study of basic human physiology, the international Space Station will support a vigorous program of research in biotechnology. The potential of biotechnology to change human society is at least as great as that of the microelectronics revolution. Everyone knows that NASA technologies have been instrumental in microelectronics, but few realize that NASA supported research and the resulting technologies are also driving whole new endeavors in biotechnology.

These new technologies, such as tissue culturing, allow the growth of human tissues for the possible treatment of diseases, such as arthritis and diabetes, and the growth of cancerous tumors, allowing researches to address the development and treatment of colon, breast, and ovarian cancers. This new NASA technology has broad applications in medical research and in the treatment of diseases.

Millions of Americans suffer tissue or organ loss from diseases and accidents every year; the annual cost of treating these patients exceeds $400 billion. At present, the only treatment for these losses is transplantation of tissues and organs; however, these procedures are severely limited by donor shortages. The shortage of replacement tissue and organs has generated a substantial research effort for the development of alternative sources for transplantations.

A major advance would be the ability to grow functional human tissues like those found in the human body, thereby providing the necessary tissues for transplantations and biomedical research. However, medical researchers have been frustrated in their inability to grow human tissues outside the body. Most present-day tissue growth systems do not provide the conditions needed to form the complex structure of tissue in the human body. However, NASA tissue-growth technologies hold the promise of someday alleviating the suffering caused by tissue and organ loss, a major breakthrough for biomedical research.

NASA technology has played an important role in my own work on the development of a mechanical artificial heart using elements of NASA turbopump technology. The use of these new artificial heart pumps is nearing reality.

I don't have space here to catalog all the potential contributions that the international Space Station could make to the world's biomedical research efforts. I hope the examples I have provided will serve to illustrate this basic point; NASA technology and Space Station research will support the broader fight against human disease and make tremendous contributions to the quality of life here on Earth.

Sincerely,

MICHAEL E. DEBAKEY, M.D.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to yield back the remainder of my time and vote now, if it is agreeable with the managers. The unanimous-consent agreement a moment ago was to vote at 5:30. We can just go ahead and vote now.

Mr. BOND. Mr. President, might I suggest we can handle one or two other matters while we are waiting for that. They are procedural matters. We had set earlier in the day, immediately following the vote on the space station amendment, a vote for an amendment offered by Senator MCCAIN and Senator GRAHAM. We have on both sides worked with them.

Ms. MIKULSKI. I wish to bring to the attention of the Senator from Missouri that Senator MCCAIN has changed the original amendment to actually improve it, I think substantially, and Senator HARKIN of Iowa wishes to be sure it has no negative impact in terms of his State. We cannot agree to the UC until we get a signoff from Senator HARKIN. So we cannot get consent to modify it.

Mr. BOND. Mr. President, then I will not make the unanimous-consent request. We think during the course of this next vote that we can bring everybody together and point out that the modification has moved in the direction that would be very beneficial to the interest that Senator HARKIN has raised.

With that, the time of 5:30 has arrived.

The PRESIDING OFFICER. Not yet, but it is approximately 5:30.

Mr. BOND. Close enough for Government work.

The PRESIDING OFFICER. It is close enough to 5:30 for the Presiding Officer.

Mr. BOND. Under that scenario, I move to table the Bumpers amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 5178. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—60

Akaka	Frahm	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Burns	Grassley	Pell
Campbell	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Heflin	Robb
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
D'Amato	Inouye	Sarbanes
Daschle	Johnston	Shelby
DeWine	Kassebaum	Simpson
Dodd	Kempthorne	Smith
Domenici	Kyl	Stevens
Feinstein	Lieberman	Thompson
Ford	Lott	Thurmond

NAYS—37

Abraham	Faircloth	Lugar
Ashcroft	Feingold	Moynihan
Baucus	Harkin	Nunn
Bradley	Helms	Pryor
Brown	Hollings	Simon
Bryan	Jeffords	Snowe
Bumpers	Kennedy	Specter
Byrd	Kerrey	Thomas
Chafee	Kerry	Warner
Cohen	Kohl	Wellstone
Conrad	Lautenberg	Wyden
Dorgan	Leahy	
Exon	Levin	

NOT VOTING—3

Hatfield	Murkowski	Santorum

The motion to lay on the table the amendment (No. 5178) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5177, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 5177), as modified, is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care Networks of the Department so as to ensure that veterans who have similar economic status and eligibility priority and who are eligible for medical care have similar access to such care regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities where network allocations are based on similar unit costs for similar services and workload; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(C) adjustments to unit costs in subsection (a) to reflect factors which directly influence the cost of health care delivery within each Network and where such factors are not under the control of Network or Department management, and

(D) include forecasts in expected workload and consideration of the demand for VA health care that may not be reflected in current workload projections.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under section (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not alter than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

Mr. MCCAIN. Mr. President, I thank my colleague from Florida, Senator GRAHAM, for all of his efforts on behalf of this amendment. It has been modified. We have worked with the administration.

Mr. President, since this amendment was accepted in the three previous years and then dropped in conference, the Senator from Florida and I felt that we should have a rollcall vote on this although I think that vote will be nearly unanimous since it is basically the same. It was accepted 3 years before.

So, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—79

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frahm	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Nickles
Boxer	Graham	Nunn
Breaux	Gramm	Pell
Brown	Grams	Pressler
Bryan	Grassley	Pryor
Bumpers	Gregg	Reid
Burns	Hatch	Robb
Campbell	Heflin	Roth
Chafee	Helms	Sarbanes
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kyl	Warner
Dorgan	Levin	Wyden
Exon	Lott	
Faircloth	Lugar	

NAYS—18

Baucus	Harkin	Lieberman
Biden	Kennedy	Moynihan
Bradley	Kerry	Murray
Byrd	Kohl	Rockefeller
Dodd	Lautenberg	Simon
Feingold	Leahy	Wellstone

NOT VOTING—3

Hatfield	Murkowski	Santorum

The amendment (No. 5177), as modified, was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, a motion to table the motion to reconsider is agreed to.

The majority leader.

UNANIMOUS–CONSENT AGREEMENT—H.R. 3517 and H.R. 3845

Mr. LOTT. Mr. President, I ask unanimous consent that, at 9:30 a.m., on Thursday, September 5, the Senate proceed to the consideration of the conference report to accompany H.R. 3517, the military construction appropriations bill; further that, there be 20 minutes for debate only, equally divided in the usual form, and that following the expiration of debate the conference report be temporarily set aside and the Senate proceed to the conference report to accompany H.R. 3845, the D.C. appropriations bill, there be 10 minutes of debate only equally divided in the usual form, and that following debate the Senate proceed to a vote on the adoption of the military construction conference report, to be followed immediately by a vote on the adoption of the D.C. appropriations conference report.

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

ORDER OF PROCEDURE

Mr. LOTT. So Senators should be aware, this agreement will allow for two consecutive rollcall votes in the morning, Thursday, at 10 a.m. We will

come in session at 9:30, and then we will have the votes, two consecutive votes, at 10 o'clock.

The two votes we just had will be the last votes of tonight, provided we can get agreement on a list of amendments that will be brought up tomorrow. I have the commitment of cooperation of the Democratic leader to work with us to identify the amendments, get a finite list of amendments, so we will have that list we can proceed on tomorrow. If we cannot, you know, get this list of amendments worked out, we will have to consider other options, but I am assuming we are going to have good-faith cooperation, we are going to get these amendments, get them identified so we can complete action on the VA–HUD appropriations bill tomorrow. We had hoped to have more votes tonight and get it completed tonight, but there has been a good-faith effort made, certainly by the chairman and ranking Senator. And there have been other circumstances that have intervened that caused us to see if we could get the amendments agreed to and get the votes in the morning at 10 o'clock, back to back, and be prepared to complete the VA–HUD appropriations bill.

For the information of all Senators, there are two other things they need to be aware of. We are working on a bipartisan basis to see if we can come up with a resolution with regard to the situation in Iraq. There is going to be a meeting at 10 o'clock in the morning, bipartisan meeting, to see if some language can be agreed to.

In addition to that, with regard to the Defense of Marriage Act, you will recall there was a unanimous consent agreement entered into before we left for the August recess that provided a procedure to get that issue up for consideration beginning at 10 o'clock on Thursday. It provided that by 5 o'clock on Tuesday, up to four amendments could be offered on each side that would be voted on before we would get to final passage on the Defense of Marriage Act. But, also, after those four amendments on each side were filed as of 5 o'clock on Wednesday, the agreement could be vitiated and we would move on to other issues and decide on another way to handle the Defense of Marriage Act.

That has happened. After the amendments were filed there was a feeling, I presume on both sides, that the amendments were going to be a distraction. They were going to contribute to an atmosphere that would not be helpful in our trying to get agreements and passage on appropriations bills that we simply must get done during this month. So the minority leader and I talked about it and we understand each other. We are not going to go with that unanimous consent agreement.

I do want to emphasize we are going to have this issue brought up at some point. Unless we reach some other agreement, it would be my intent to bring it up and lay down the cloture motion on the motion to proceed. I have not made a decision exactly how we will do that or when we will do that. Part of it will depend on the cooperation we get on other issues, and whether or not we are making progress. But we would expect a vote or votes will occur on that issue sometime, probably next week, but without any final decision having been made as yet. Certainly I will consult with the Democratic leader before we take any action in that regard.

There is a lot more that could be said, a lot more accusations, charges or countercharges. Can we dispense with that and just get on with the business? I would like to proceed that way. I hope that is the way we will approach this appropriations bill and other appropriations bills.

I do have some additional unanimous consent requests here. I see the leader is on his feet. Would you like to comment at this point? I yield the floor at this time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just confirm the agreement that was anticipated, I think, by the majority leader's comments. He and I have been talking throughout the day in attempts to find some resolution to the problems we are facing with regard to finalizing the list on amendments to the HUD–VA bill. I have committed to the majority leader that it would be our hope that we could come up with a finite list tonight. I think we are pretty close to having that finite list available. I will share that with the majority leader later on.

It is my expectation the majority leader, as he has indicated, will work with us to finalize the language on the resolution relating to Iraq. The meeting, as he indicated, will be in his office tomorrow at 10. It will be my hope we could have the vote tomorrow on that resolution, and find a way in which to resolve the outstanding issues on the HUD–VA bill.

It is not our desire to preclude a vote, or to hold up a vote on the Defense of Marriage Act. Obviously, we had hoped we could come up with an agreement that would allow us a couple of amendments. As the majority leader indicated, there was concern on both sides and that was not possible. We want to work with the majority leader in finding a way to schedule that legislation and I am sure we can work through that as well.

So we hope we can get everyone's cooperation. As it relates to the pending bill, I have committed our best effort to see if we can come to closure on it. I know there are a number of amendments that will be offered. Hopefully, if we have the list, at least we can confine ourselves to that list and I pledge our best efforts to make that happen.

I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I do have a unanimous consent request that would list the amendments that have been identified on both sides at this point. I assume there is a little padding going on, on both sides. But at least, if we could get this list agreed to, we would have then a finite list we could work from. I believe, as the night proceeds and the day proceeds tomorrow, we will not have to do all these amendments, but I would like to go ahead, if I could, and get agreement on it.

I ask unanimous consent during the remaining consideration of H.R. 3666, the VA-HUD appropriations bill, the following be the only remaining first-degree amendments in order and they be subject to relevant second-degree amendments, and no motions to refer be in order, and following the disposition of the listed amendments, the bill be advanced to third reading. The amendments are as follows:

An amendment by Senator BOND regarding multifamily housing; a Faircloth amendment on HUD fair housing; Senator BENNETT, GAO review; another one by Senator BENNETT, reimburse State housing finance agencies; Senator SHELBY, land transfer; Senator THOMAS, antilobbying general provision; Senator THOMAS, decrease funding for Council on Environmental Quality; Senator HELMS, law enforcement in housing; Senator MCCAIN, two amendments, one on FHA mortgages, one on FEMA disaster relief; one by Senator BOND regarding HUD grant and loan programs; a technical amendment by Senator BOND; two amendments by Senator NICKLES, one on union dues, one on runaway plants; Senator BOND, a managers' amendment; Senator HATFIELD, relevant; Senator COVERDELL, relevant; Senator LOTT, two relevant amendments; Senator LOTT, one on Iraq; Senator NICKLES, an amendment on 48-hour hospital stay.

Democratic amendments identified: Senator BINGAMAN on United States-Japan commission; Senator BRADLEY, one amendment regarding hospital stay for newborns; Senator BYRD, two relevant amendments; Senator DASCHLE, or his designee, one on runaway plants and one on Iraq; Senator FEINGOLD, one on NASA; one by Senator FEINSTEIN dealing with Downy land transfer, one on biotech, one identified as relevant; Senator GRAHAM, veterans resource allocation; Senator HARKIN, funding vets health care; Senator KENNEDY, an amendment on employment discrimination; Senator MIKULSKI, four relevant amendments; Senator MOSELEY-BRAUN, an amendment on mortgage registration; Senator SARBANES, an amendment on

NASA; Senator WELLSTONE, an amendment on mental health; Senator LEVIN, an amendment on lobbying; and Senator BAUCUS, an amendment on environmental quality.

It seems that any amendments that did not make it before the August recess, or the heart may desire to be considered any time soon, is on this list. I hope we will consider those that really do contribute to development of legislation that we can pass for VA–HUD, and we will work together and try to get that done. I so ask unanimous consent.

Ms. MIKULSKI. Reserving the right to object, my staff has advised me that the majority leader's list did not include a Fritz Hollings amendment on HUD.

Mr. LOTT. Mr. President, I ask that be included in the list of amendments identified for consideration.

Mr. WARNER. Mr. President, reserving the right to object, if I might just address the distinguished leader, Senator SARBANES and I are the cosponsors of the amendment designated ''Sarbanes, NASA.'' I believe it is my understanding that the managers have accepted that; is that correct?

Ms. MIKULSKI. Yes.

Mr. BOND. That is correct.

Mr. WARNER. I thank the distinguished managers.

Mr. LOTT. So that amendment has already been accepted; is that correct?

Mr. BOND. It will be accepted. It has not yet been accepted.

Mr. LOTT. It is the Sarbanes-Warner amendment dealing with NASA.

Mr. WARNER. I thank the distinguished leader and managers.

Mr. DASCHLE. Reserving the right to object, I obviously failed to list as one of our amendments the amendment relating to spina bifida. That was supposed to have been listed. It was left off. I think everybody just understood it was going to be here.

Mr. LOTT. I thought that was one of the two or three really serious amendments we had for consideration that related to the bill itself. I cannot believe we left that off. We will have an amendment by Senator DASCHLE relating to veterans' program for children with spina bifida.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I think I understood the distinguished majority leader correctly in that debate is not prohibited after third reading in his request.

Mr. LOTT. That is correct, that the bill be advanced to third reading and then stopped. I believe the Senator from West Virginia has made clear his desire that we have a few moments to look at this legislation when we reach that point, and we intend to do that.

Mr. BYRD. I thank the distinguished majority leader. I remove my reservation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The request is agreed to.

Mr. LOTT. Mr. President, I yield the floor. I hope the managers of the legislation will continue to work to see if they can reduce this list. I hope tomorrow that a number of these amendments will, in fact, be withdrawn and will be considered in some other forum another day. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, may I inquire what is the pending business?

AMENDMENT NO. 5167

The PRESIDING OFFICER. The question recurs on the BOND amendment, No. 5167.

Mr. BOND. Mr. President, we raised this issue and filed this amendment yesterday. We had a good discussion on it. We had it printed. We wanted everybody to have an opportunity to look at it. As I advised yesterday, this is an attempt to deal with a very complex problem that has some real consequences.

HUD has given us estimates that if we don't do something with the oversubsidized section 8 contracts for multifamily housing, we are going to do one of two things: No. 1, if we continue to renew the contracts at existing rates, these are multifamily units where subsidies were granted in the form of section 8 rental payments to get people to develop housing for the elderly in rural areas, needed housing in urban areas, these overmarket rent section 8 contracts would have an exploding cost.

The appropriations for this year would be about $4.3 billion; for 1998, $10 billion; $16 billion by fiscal year 2000. The actual cost each year would grow from $1.2 billion in fiscal year 1997 to $4 billion in fiscal year 2000 and to $8 billion in 10 years. Those are the costs. If we just refuse to renew the contracts, we could have tens of thousands of people who depend upon these section 8 subsidized contracts thrown out on the street. These could be elderly people in rural areas. These are people in many parts of the country where there are no readily available alternatives for which vouchers could get them housing.

So we have proposed a system that sounds complex, but, basically, we would write down a portion of the debt on the project and the Government would take back a second mortgage that would be paid back at the end of the first mortgage, writing these contracts down to fair market rentals.

That is a very brief and overly simplistic discussion of the amendment. We have worked on this on a bipartisan basis not only in the Appropriations Committee but, more important, with the authorizing committee, with Senator D'AMATO, Senator SARBANES, Senator MACK and Senator KERRY. We appreciate very much their assistance on it.

This is a demonstration project for 1 year on the way to getting a permanent resolution of these exploding contract costs. I hope that we can adopt this amendment by voice vote.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond amendment. I do it because it is the right thing to do at this time.

It starts to address a serious problem with our public housing. A large number of section 8 multifamily housing projects are subsidized by rents that far exceed the fair-market rent in the area. In fiscal year 1997 alone, HUD estimates there are 40,000 units whose contracts will expire at rents over 120 percent of the fair-market rent.

But Mr. President, this is not just an issue of numbers and statistics. This is an issue about real Americans and real lives. If we take the do-nothing approach, American taxpayers will continue to have their hard-earned tax money wasted by paying excessive rents. The Government can't afford to pay these excessive rents indefinitely.

If we take a strong-arm approach and try to force owners to lower the rents and we reduce subsidies, we risk massive defaults. In addition to the massive multibillion-dollar costs to HUD and the administrative burden it would cause the Agency, it could lead to massive resident displacement.

Mr. President, we're talking about real people in real communities potentially being out on the streets. None of us wants to be a part of putting people on the streets and increasing the homeless problem in our Nation. We as a nation are better than that. The residents deserve better and so do their communities.

I support the effort to begin addressing the problem. We must ensure that while we do so, we don't create hollow opportunities, don't create a generation of slum landlords, and don't create a new liability for the taxpayers. We don't want to just address the problem, we want to solve it—with creative and effective approaches.

This amendment is not a perfect solution, but it is a start. It allows HUD to negotiate with landlords of oversubsidized projects with contracts expiring in fiscal year 1997. HUD will seek to bring the rents of units over 120 percent of fair-market rent in line with the market rate where the units are located.

This amendment begins a process that we must continue to work on during the coming year. Some will voice concerns that this amendment goes too far, others will say it doesn't go far enough.

Mr. President, we must not make the perfect the enemy of the good. A modest beginning is better than no beginning. We can't afford to ignore the fact that over 750,000 units with subsidy problems are in the pipeline. The time to act is now. We can't afford to delay any longer. I urge my colleagues to support the amendment.

Mr. President, I just want to say this. This is not just an issue of numbers and statistics, this is an issue about real Americans and real lives. If we do nothing, the American taxpayer will continue to pay excessive rents. If we take a strong-arm approach, we could risk massive defaults.

I support this effort, because it absolutely begins to address the problem. We must ensure that in doing so we do not create a hollow opportunity for the poor, that Federal assistance does not generate a new class of sublandlords and new liability for the taxpayers.

I believe the Bond amendment is the right approach that talks about real opportunities for the poor, provides a safety net so that these projects do not collapse, but we begin to bring this into discipline and really focus on a market-based approach.

So, Mr. President, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 5167) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I am most grateful for the assistance of my ranking member in dealing with that very difficult question. We may have to address this again in conference. But we think this is the start on the right path.

We have a number of amendments that I believe have been cleared on both sides. I propose that we proceed to those.

AMENDMENT NO. 5181

(Purpose: Prohibit HUD from removing regulatory requirements that HUD issue public notice and comment rulemaking.)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5181.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place at the end of the section on HUD:

SEC. . REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.

The Secretary of Housing and Urban Development shall maintain all current requirements under Part 10 of the Department of Housing and Urban Development's regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

Mr. BOND. Mr. President, this is a prohibition on a HUD rulemaking effort to eliminate HUD public notice and comment. The HUD recently issued a proposed rule that would, as a practical matter, remove any requirement for HUD to issue public notice and comments. This amendment would prohibit HUD from doing that. The Administrative Procedures Act does not require agencies to issue public notice and comment rulemaking for grant loan programs, but HUD has traditionally deferred to congressional and public interest that HUD programs be developed in an open manner to ensure that the implementation of programs are consistent with congressional intent and receive the benefit of public input and scrutiny.

Basically, the requirement for HUD to issue the public notice and comment rulemaking is not an accident. Because of the program abuses at HUD in the late 1960's, HUD chose public notice, this public airing, to get them out of a real crack, to convince people that a change HUD was operating on the up and up. It is critical that they do this because, without public notice and comment rulemaking, HUD can and has designed programs in the past that are inconsistent with congressional intent, not in the best interest of beneficiaries, and, frankly, smell.

Last year the inspector general raised some very real questions about the way that empowerment zones had been selected. A lot of compelling questions were raised in that report. I think it is necessary to keep the spotlight on HUD so that we can be sure that we know what they are doing, that Congress and the media and the public have a right to see what they are doing, so that there will be less temptation to abuse the process.

The most recent example of HUD's disregard of the congressional intent is one that is particularly galling to many of us who fought for the provision for a long time. There was a provision in S. 1494, the Housing Opportunity Programs Extension Act, which provided public housing authorities with broad authority to designate public housing as ''elderly only,'' ''disabled only,'' or a combination thereof. HUD proceeded to issue a proposed rule that would require extensive micromanagement by HUD and place an unreasonable burden on public housing authorities that want to designate the public housing as ''elderly only'' or ''disabled only'' housing. It is finding out that kind of activity before it occurs that should save us a great deal of heartburn and avoid a lot of heartburn for HUD.

Ms. MIKULSKI. Mr. President, I support the Bond amendment, even though my State, my city of Baltimore got an empowerment zone. We think we met the test. I still support the amendment. We believe that there should be public notice. It was part of a reform. We believe that public notices act in the public interest. It is as straightforward and as simple as that. I urge the adoption of the Bond amendment and the continuation of existing policy.

Mr. BOND. Mr. President, as I have previously discussed, I remain very concerned about HUD's ability and capacity to administer its programs effectively, and in some cases, fairly.

In early 1995, Senator MACK and I requested the HUD IG to review the HUD's procedures and decisionmaking in selecting and designating six urban empowerment zones. As you know, the use of empowerment zones to revitalize decaying urban centers has a long history, with perhaps its greatest proponent in Jack Kemp, when he was Secretary of Housing and Urban Development. Secretary Kemp never had an opportunity to implement his vision of empowerment zones.

Empowerment zone legislation was finally enacted as part of the Omnibus Budget and Reconciliation Act of 1993 on August 10, 1993. This legislation proposed the establishment of nine empowerment zones, six urban and three rural zones, in distressed communities. Empowerment zones received some funding of $100 million as well as significant tax benefits designed to encourage employment in the empowerment zone. On December 21, 1994, President Clinton announced the designation of six urban empowerment zones and three rural empowerment zones. Another 66 urban communities and 30 rural communities were designated as enterprise communities with reduced benefits. The urban zones were New York City, Camden/Philadelphia, Atlanta, Chicago, Baltimore, and Detroit.

Nevertheless, no program, however well intended and designed, will work if the wrong people and the wrong communities are selected to implement and carry through the program. Much to my concern, the HUD IG confirmed my worst fears that HUD's designation of the empowerment zones did not likely include those communities that had put together the best partnerships and plans for implementing the empowerment zones.

The HUD IG report—pages 2, 6, and 7—indicates that the entire selection process was handled as a discretionary process, with all final decisions made by the Secretary. The report raises major issues as to whether HUD used a competitive or meritorious process in designating zones. The report is clear that if a competitive process was used, there is no record of the decisionmaking.

This is no way to run a program. Cities and localities exerted tremendous energy to forge partnerships and leverage local funding to put the best empowerment zone plan forward. These cities and localities believed that their applications would be considered on a level playing field.

I have heard reports that many of the designated empowerment zones have not performed well, that projected partnerships have faded and that

groups in some cities are having a food fight over the funding and the benefits. I know that major concerns have been raised with respect to the empowerment zones in Camden/Phillie and New York City. I think that it is time that we revisit and audit the current status of empowerment zones. If Federal dollars are being misused or abused, we need to find out, and we need to ensure that HUD is doing its job in preventing abuses.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BOND. Mr. President, I note that Kansas City got an empowerment zone as well. But there were many questions raised in it. I have no further debate on this.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5181) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5182

(Purpose: To require the Secretary of Veterans Affairs to convey certain real property to the City of Tuscaloosa, Alabama)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Senator SHELBY. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. SHELBY, proposes an amendment numbered 5182.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title I, add the following:

SEC. 108. (a) The Secretary of Veterans Affairs may convey, without consideration, to the city of Tuscaloosa, Alabama (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the northwest quarter of section 28 township 21 south, range 9 west, of Tuscaloosa County, Alabama, comprising a portion of the grounds of the Department of Veterans Affairs medical center, Tuscaloosa, Alabama, and consisting of approximately 9.42 acres, more or less.

(b) The conveyance under subsection (a) shall be subject to the condition that the City use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(c) The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of Veterans Affairs. The cost of such survey shall be borne by the City.

(d) The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. BOND. I do not believe this is controversial. It provides permissive authority to the Veterans' Administration to transfer lands to the city of Tuscaloosa, AL, for a recreational facility.

Ms. MIKULSKI. Mr. President, we consulted with the Veterans' Administration, and they have advised us they also concur with the amendment. I do so and therefore urge that the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 5182) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5176, AS MODIFIED

Mr. BOND. Mr. President, I ask that the pending business be amendment No. 5176, the McCain amendment on the Federal Emergency Management Act.

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

Mr. BOND. Mr. President, on behalf of Senator MCCAIN, I send to the desk a modification. This modification makes one small change.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 75, line 10, after the word ''expended'' insert the following: ''*Provided*, That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of yacht harbors or golf courses except for debris removal; *Provided further*, That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks; *Provided further*, That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

Mr. BOND. This change, after much intensive work, and extensive staff discussion and thought, changes the word ''marinas'' to ''yacht harbors,'' which I think satisfies the concerns that were raised in the discussion of the MCCAIN amendment. I believe it is agreeable on both sides.

As I stated in the discussion of it, this is just the beginning of what needs to be a major review of the limitations on disaster relief for recreational and landscape facilities, a part of the process that the FEMA IG has said must be undertaken. FEMA has agreed to undertake it, and we may be revisiting this in conference. Certainly we will work with the authorizing committees afterward to get a much better control over the expenditures of disaster relief money.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. First of all, Mr. President, the modification was made at my request. As the Senator knows, marinas in many instances are small businesses and are the equivalent in my State of family farms or small ranches. So we thank Senator MCCAIN for his courtesy in modifying it. We do support the amendment because it is based on an IG report. We think it really brings an important discipline to the FEMA program. We can fund disasters but we cannot create a budget disaster for ourselves. Therefore, I urge the adoption of the MCCAIN amendment as modified.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5176), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5183

(Purpose: Deletes EPA language relating to funds appropriated for drinking water state revolving funds. This language is no longer necessary given the enactment of drinking water state revolving fund legislation)

Mr. BOND. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5183.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 72, beginning on line 11, strike the phrase beginning with '', but if no drinking water'' and ending with ''as amended'' on line 15.

Mr. BOND. Mr. President, this amendment is a technical amendment. It is cleared on both sides. It simply deletes a provision that we carried in the bill when it was reported out of the Appropriations Committee at that time. The drinking water legislation had not been enacted. It obviously has now been enacted and signed into law. So we delete the provision, and with the enactment of the drinking water legislation, this language is no longer necessary.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I concur with Senator BOND's amendment and urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5183) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5184

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator BENNETT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. BENNETT, proposes an amendment numbered 5184.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert:

SEC. . GAO AUDIT ON STAFFING AND CONTRACTING.

The Comptroller General shall audit the operations of the Office of Federal Housing Enterprise Oversight concerning staff organization, expertise, capacity, and contracting authority to ensure that the office resources and contract authority are adequate and that they are being used appropriately to ensure that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are adequately capitalized and operating safely.

Mr. BENNETT. Mr. President, I rise today to add an amendment to H.R. 3666 which will emphasize my concern about the multiyear delay of a scheduled GAO audit of the OFHEO, Office of Federal Housing Enterprise Oversight. OFHEO is required by statute to create an effective review process to, in effect, ensure the fiscal safety and soundness of Freddie Mac and Fannie Mae. Quite frankly, it concerned me when I was informed that OFHEO was, in turn, several years behind schedule in producing a model to oversee these two important housing enterprises.

I continue to be concerned that mission creep may take hold of this regulator. Trips abroad to consult with other countries on how to regulate their housing enterprises should be curtailed until our own regulator is up and running. Therefore, it is my intent to refocus the GAO report to make sure OFHEO is still on track, and that it continues to focus all of its efforts on completing its very important mission. It is my intent to make sure that before OFHEO grows any larger, it is on track with a clear vision of its goals and responsibilities.

Mr. BOND. Mr. President, Senator BENNETT has been a leader in this area in attempting to develop adequate oversight of the Office of Federal Housing Enterprise Oversight.

He directs that the Comptroller General audit the operations to ensure that the office resource's contract authority are adequate, they are being used appropriately to ensure that the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Fannie Mae and Freddie Mac are adequately capitalized and operating safely.

Ms. MIKULSKI. Mr. President, I support the amendment as offered by the Senator from Utah. He raised this very important issue during our hearings and was concerned very much about mission creep in this Office of Federal Housing and Enterprise Oversight. It was his intent, as it is ours, that it focus on ensuring that Fannie Mae and Freddie Mac have fiscal safety and soundness. It was not meant to take foreign trips and see how the world is doing this. Fannie Mae and Freddie Mac have been around. It is our job to make sure that they are not only around, but are safe and sound and ready to do the job. We want to make sure they are fit for duty.

I support the Bennett amendment as offered by Senator BOND.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5184) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5185

(Purpose: To prohibit the consolidation of NASA aircraft at Dryden Flight Research Center, California)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES, Senator WARNER, Senator FEINSTEIN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SARBANES, for himself, Mr. WARNER, Mrs. FEINSTEIN, and Ms. MIKULSKI, proposes an amendment numbered 5185.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421. None of the funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of the enactment of this Act, may be used by the Administrator of the National Aeronautics and Space Administration to relocate aircraft of the National Aeronautics and Space Administration to Dryden Flight Research Center, California, for purposes of the consolidation of such aircraft.

Ms. MIKULSKI. This is a very straightforward amendment, Mr. President. What it does is preclude that no Federal funds be spent in consolidating NASA aeronautics facilities at Dryden Air Force Base. We feel NASA's proposal to do this is premature. Questions have been raised about the NASA proposal by the inspector general. We have been consulting with NASA about this and have lacked clarity from NASA in terms of what its future intent is.

It is one thing, I think, to talk about consolidation, but the IG raises many yellow flashing lights. So for now we wish to prohibit the consolidation until NASA comes forward with justification that then meets the requirements established by Senator SARBANES, myself, Senator WARNER, and Senator FEINSTEIN.

We hope this can be resolved before conference. In the meantime, we support the fact that none of the funds be used by the Administrator to relocate aircraft of NASA to Dryden.

Mr. BOND. Mr. President, the Senator from Maryland has been concerned and has been very active in bringing these matters to our attention. I do agree we will look at this very carefully prior to conference. We want to work with NASA to make sure that steps they are taking are, indeed, efficient, effective and could not cause any unnecessary dislocation or hardship.

Since there are a number of colleagues who have expressed great interest in this, we will attempt to learn more about it prior to the conference. We strongly support the amendment in the current form, and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5185) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5179

(Purpose: To amend provision appropriating monies to the Council on Environmental Quality to the level approved by the House)

Mr. THOMAS. Mr. President, I call up my amendment numbered 5179.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 5179.

In title III, at the end of the subchapter entitled: Council on Environmental Quality and Office of Environmental Quality, strike ''$2,436,000.'' and insert in lieu thereof ''$2,250,000.''

Mr. THOMAS. Mr. President, this is an amendment, obviously, that decreases the funding level for the Council of Environmental Quality in the amount of funding that was passed by the House, and I rise to discuss this.

This amendment is offered largely because of what I think is the unfortunate changes that have taken place in CEQ during the Clinton administration. Congress established this council, the National Environmental Policy Act, to facilitate the implementation of NEPA and to coordinate the environmental activities of the executive branch.

Congress envisioned CEQ as a technical resource for Federal agencies that were confronted with questions about NEPA. Unfortunately, the intention and reality have diverged under the Clinton administration. CEQ has

not fulfilled the statutory mandates of NEPA, nor many of the promises which the chairman made to this Congress. I happened to be involved with the committee hearings last year on the confirmation of this chairman, and we talked a lot about how we were going to work together.

Instead, CEQ has been actively engaged in partisan kinds of things with respect to those issues before the Congress. CEQ has not done many of the things that have been prescribed under the law. NEPA requires CEQ to provide an annual quarterly report—annual. The last report prepared was completed 3 years ago, in 1993, and that report remains the only report CEQ has prepared under the Clinton administration despite the statutory mandate.

In that report, CEQ promised a handbook to facilitate Agency compliance of NEPA. This handbook still has not been drafted, let alone published for Agency use. CEQ promised the Congress a comprehensive study of NEPA's effectiveness at the end of 1995. CEQ's effectiveness study has still not been finalized despite repeated assurances that it would be. They promised Congress it would assist the Forest Service in streamlining the Agency's issuance of grazing permits. After some initial progress, there has not been a meeting between the Forest Service and CEQ in 6 months.

Last November, Senator CRAIG and I sent a detailed letter to Ms. McGinty, the chairman, suggesting reform to NEPA, compliance at the Forest Service. Other than an initial ''thank you'' for the letter, we have not heard anything about those suggestions.

This lack of followup is all too common at the CEQ and indicative of an Agency which apparently has lost its way. Things CEQ has been doing under the administration, CEQ has been involved in every timber sale which has occurred in national forests, been involved in the northern spotted owl debate in the Pacific Northwest, and now injected itself into the California spotted owl.

Ms. McGinty has taken up a number of things that are basically political, propaganda, including grazing, and has characterized the Public Rangeland Management Act, passed by this Senate, as a special interest give-away; lambasted the Republican platform as full of ''anti-environmental language,'' such as private property rights and streamlining regulations, despite the fact that in the hearings she indicated that is what we ought to do, make it simpler and streamline.

On timber salvage legislation, House Members have written to the President complaining about mischaracterization of the law.

Mr. President, I guess I use this opportunity to talk a little bit about something that bothers me a great deal.

I am very much interested in the kinds of things that go on in the environment and very much interested in the kinds of things that go on in the West. I am very much interested in trying to simplify and make more effective NEPA and some of the other activities that relate to that. I think that this has not been done. I think it should be done. There needs to be a wake-up call to that committee. Perhaps this will be that.

Rather than pursue it, however, in view of the time and things we are doing, I will withdraw my amendment. But I do want to have this opportunity to say that I think we need to do something differently. There are great opportunities for this committee to be effective and to bring about less rhetoric and more action.

So, Mr. President, I thank the managers of the bill for this opportunity. I ask unanimous consent that the amendment be withdrawn, and I will continue to work with it in the conference committee.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

The amendment (No. 5179) was withdrawn.

Ms. MIKULSKI. Mr. President, I want to comment before the Senator from Wyoming leaves the floor. I thank him for withdrawing the amendment rather than embroiling us in controversy. I want to acknowledge the concerns that he has raised, and I respect them. As we move toward conference, perhaps there is report language or something that prods EPA in the direction to be more responsive to Members' inquiries and that the focus of the agency is to review environmental legislation and comment on it from that perspective and not be a propaganda machine. I acknowledge the validity of that.

Mr. THOMAS. I thank the Senator from Maryland, and I look forward to further discussion.

Mr. BOND. Mr. President, let me add my thanks, also, to the Senator from Wyoming for allowing us to move past that particular amendment. We have worked very hard to avoid some of the controversies. We are not going to avoid all of them. But we did understand what he said and the concerns he has. We have heard others raise those concerns. We will work with him and other Members to try to resolve those concerns. We very much appreciate his consideration in withdrawing the amendment.

FEMA AUDIT OF KAUAI COUNTY

Mr. INOUYE. I wish to raise an issue of concern with the managers of the bill. It relates to the direction of an audit conducted by the Federal Emergency Management Agency's [FEMA] inspector general on the county of Kauai and the State of Hawaii on the damages caused by Hurricane Iniki. It looks to undo insurance settlements, sanctioned by FEMA and agreed upon 4 years ago. In doing so, the inspector general would renege on funding commitments FEMA previously made, thereby leaving the county with outstanding obligations and in debt. The State of Hawaii voluntarily purchased insurance over that which was required after Hurricane Iwa hit in 1981. To now second guess the county's settlement with its insurance carriers, and then use it as the basis for denying previously approved damage survey reports [DSR's] is without precedent. It is a disincentive for States and cities to insure themselves against natural disasters. FEMA is wrongly penalizing a State for its good faith effort to minimize future losses and reduce the expenditure of Federal funds. There are currently no clear guidelines in the Stafford Act.

Mr. BOND. As the Senator from Hawaii knows, I support efforts to improve controls on disaster relief expenditures. However, I am sympathetic to the concerns raised by the Senator. I understand that the county of Kauai and the State of Hawaii are concerned with a FEMA IG's audit report regarding damages caused by Hurricane Iniki, and I encourage FEMA to reach a resolution in which FEMA ensures that the county and State are reimbursed for all eligible costs resulting from the 1992 event. The committee also directs FEMA to provide its policy justifications and recommendations regarding this matter. Finally, I believe that FEMA's policies should do everything to encourage, not discourage, States for efforts to minimize future losses and reduce the expenditure of Federal funds, such as strong insurance requirements.

Ms. MIKULSKI. I join Chairman BOND in encouraging FEMA to reach a resolution in which FEMA ensures that the county of Kauai and the State of Hawaii are reimbursed for all eligible costs resulting from Hurricane Iniki. I also support the chairman's effort in directing FEMA to provide its policy justifications and recommendations on this matter.

Mr. INOUYE. I thank the managers of the bill for your assistance in this matter.

Mr. MURKOWSKI: Mr. President, I am here today because the people of Alaska face a very serious problem. But, unlike other times when we face problems and find solutions, in this case the solution may be even worse. I'm referring to the use of oxygenated fuels to reduce the emissions of carbon monoxide. These alternative fuels are required by the Clean Air Act Amendments of 1990. Alaska has two areas where carbon monoxide levels are above those required by the law. But when we tried using gasoline treated with ether-based oxygenates, the people of Alaska became ill. Headaches, coughs, nausea, as well as other ailments, all resulted from exposure to these fuel additives.

Additionally, study after scientific study shows, oxygenated fuel doesn't reduce carbon monoxide levels in the extreme cold of Alaska. This finding was recently reinforced by a report of the National Research Council [NRC].

The NRC recognized that oxygenated fuels decrease carbon monoxide emissions under Federal test procedure conditions using fuel-control systems, but also stated that ''* * * the data presented do not establish the existence of this benefit under winter driving conditions.'' And oxygenates increase the costs of gasoline for the average working Alaskan. In sum, Mr. President, no environmental benefit, adverse health effects, and higher fuel costs. This is not the solution the Clean Air Act intended.

I am pleased to be here with my friend Senator BOND from Missouri and my friend Senator FAIRCLOTH from North Carolina to discuss this issue today. In previous years, the VA/HUD Appropriation Act has included language that prohibited implementation of an oxygenated fuel program in States where the winter temperature is below 0 degree. That language was designed to allow time for additional studies to be conducted on using ethanol-treated fuel in our cold weather, and to keep Alaskans from suffering adverse health effects with no environmental improvement in the quality of our air. I had hoped to see that amendment included in this year's bill.

Mr. BOND. I appreciate the situation facing the Senator from Alaska. I know he also appreciates the situation of our committee. We in Congress have tried very hard this year to address difficult issues that arise over implementation of our environmental laws. America has made significant progress in improving environmental quality, but sometimes our efforts to protect health and the environment have the opposite effect. Unfortunately, it has become increasingly difficult and unwieldy to address each of these instances in appropriations legislation.

Mr. MURKOWSKI. I thank my friend from Missouri, and I understand that his appropriations legislation cannot be turned into the Senate's version of the Corrections Day Calendar such as we have in the House. It is my intention to refrain from offering my amendment at this time, but I will need the able assistance of the chairman of the VA/HUD Subcommittee, and my distinguished colleague from North Carolina, the chairman of the Subcommittee on Clean Air of the Environment and Public Works Committee in addressing this problem. I believe the people of Fairbanks want to take the appropriate steps to address their carbon monoxide problem. I also think that the administration of region 10 of the U.S. Environmental Protection Agency is willing to work with them in a cooperative, flexible manner. But the science is clear that oxygenated fuel may not be the answer in very cold weather. I would ask the assistance of the subcommittee chairmen in two areas. First, will they aid us in working with the EPA to craft emission reduction programs for Alaskans that are flexible and workable? And second, will they work with the Alaska delegation to fix the provisions in the statute that may be driving Alaska toward remedies for air pollution that don't work?

Mr. FAIRCLOTH. I will be happy to assist the Senator from Alaska in any way I can regarding the possible misapplication of Clean Air Act requirements. The citizens of Alaska should not be forced to accede to a regulatory scheme which imposes significant additional costs, has no discernable health or environmental benefit, and may actually be creating harmful health effects. Together with the EPA, we can work to fix this situation for the people of Alaska and those similarly situated in other parts of the country.

Mr. BOND. The Senator from Alaska can count on any assistance I may be able to provide as he seeks a solution of this problem for his affected constituents.

Mr. MURKOWSKI. I thank my colleagues and I thank the Chair.

CLEAN LAKES PROGRAM FUNDING IN EPA BUDGET

Mr. LEAHY. Mr. President, the Clean Lakes Program, administered by EPA under Section 314 of the Clean Water Act, is in serious jeopardy. For many years, this valuable program helped define the causes and extent of pollution problems in our Nation's lakes. States used program grants to implement effective treatments to restore environmentally degraded lakes, and to guard against future damage.

Nearly 90 percent of the U.S. population lives within 50 miles of a lake, with a combined economic impact of billions of dollars. The Clean Lakes Program has provided targeted assistance to these lakes resulting in renewed recreational opportunities, increased wildlife, and enhanced property values that improved water quality brings.

Despite this track record however, EPA is in the process of combining the Clean Lakes Program with the much larger Nonpoint Source Pollution Control Program, Section 319 of the Clean Water Act. Section 319 is designed to address polluted runoff from cities, farms, and other sources. The needs of lake managers and lake users are too easily lost when forced to compete with projects affecting entire watersheds. Ironically, some of the most visible and immediate problems facing lake users, such as controlling non-native nuisance aquatic weeds like Eurasian water milfoil and hydrilla, are not even eligible for funding under the 319 program. These weeds, introduced from Asia and other locations, are threatening aquatic habitat, recreation, navigation, flood control efforts, and waterfront property values. When Vermont found a beetle that appeared to be controlling milfoil, the Clean Lakes Program provided funds to investigate further to determine whether the beetle could be used for weed control. Vermont's investigations have now ended, but numerous other States around the country, including Minnesota, Wisconsin, Illinois, Massachusetts, and Washington, have recently taken up the effort and are carrying on the work. Together, this work may result in a cost-effective control method for Eurasian milfoil. Without the Clean Lakes Program, Vermont would not have been able to initiate the studies, and other States would not have been able to expand on Vermont's efforts to solve a national problem.

The Clean Lakes Program has been highly successful in helping individual States restore lakes with severe problems, and then using the lessons learned in the process to help other States restore their lakes as well. Each State needs the information and experience gained by other States to cost-effectively restore their own lakes.

The Appropriations Committee recognized the importance of preserving the important qualities of the Clean Lakes Program in the fiscal year 1996 Appropriations bill, as the House has done in its fiscal year 1997 report, by including language specifically requiring EPA to continue funding the activities of the Clean Lakes Program through section 319. Senator BOND, do you support the language included in the House Appropriation bill specifying that activities like aquatic plant control, previously eligible for funding under the Clean Lakes Program, qualify for funding under the section 319 program?

Mr. BOND. Senator LEAHY, I know you have been a long time supporter of the Clean Lakes Program, and that the program has funded valuable lake inventory and restoration activities in Vermont and around the country. While this bill does not fund a separate Clean Lakes Program I do continue to support the language included in the fiscal year 1996 Appropriations bill and again in the House appropriations bill for fiscal year 1997, clarifying that activities funded under the Clean Lakes Program should continue to be funded under the 319 program.

ROBERT S. KERR ENVIRONMENTAL RESEARCH LABORATORY

Mr. INHOFE. Mr. President, I would like to take this opportunity to thank my colleagues for including language in last year's report that accompanied the VA, HUD, and independent agencies appropriations bill, encouraging the ground-water quality and remediation procedure research at the Kerr Environmental Research Laboratory in Ada, OK. I would like to particularly thank Subcommittee Chairman BOND and ranking member Senator MIKULSKI. I would also like to thank my colleagues for including the reauthorization of the Kerr Laboratory and University Consortium in the Senate-passed Safe Drinking Water Act. The Kerr Environmental Research Laboratory is a vital component of our country's environmental research. The laboratory is the premier ground water research facility in the United States and the world. The work accomplished at

this facility is vital to both the Drinking Water and Superfund programs.

Mr. BOND. I thank the Senator from Oklahoma for raising the importance of this research facility. The legislation under consideration does not specifically reference the Kerr laboratory although the importance of its research is fundamental to many of the programs at the Environmental Protection Agency. It is my understanding that the purpose of the Kerr Laboratory is to develop the knowledge and technology needed to protect the United States' ground water supplies and conduct research to develop better ways to clean up existing ground water contamination. This research is important for the recently reauthorized Safe Drinking Water Act and the Superfund Program.

Mr. INHOFE. I thank my colleague from Missouri. As members of the Senate Environment and Public Works Committee we share a concern that the programs at the EPA should be grounded in sound science and that the Agency must continue to produce sound scientific research to be used in the regulatory process. Continuing and encouraging the ground water research at the Kerr Laboratory will not only help protect the environment but will ensure that newly developed knowledge and technology for ground water remediation at contaminated sites to be made available to the remediation industry in a usable and timely manner. This research facility is essential in continuing to protect our country's ground water resources and I urge the EPA to continue to support the Kerr Laboratory.

EPA FUNDING FOR THE SOKAOGON CHIPPEWA COMMUNITY

Mr. KOHL. I would like to engage the chairman of the subcommittee, the Senator from Missouri, in a colloquy regarding EPA funding for the Sokaogon Chippewa community in Wisconsin to assess the environmental impacts of a proposed sulfide mine.

In the fiscal year 1995 and fiscal year 1996 VA, HUD, and Independent Agencies Appropriations Acts, funding has been provided to assist the Sokaogon Chippewa community in Crandon, WI, in their efforts to gather the baseline data needed to adequately assess the effects of a large sulfide mine proposed adjacent to their reservation. As a result of the proposed mine, concerns have been raised about the possible degradation of the ground and surface water in the area, as well as possible negative effects on the wild rice production activities within the reservation.

I believe that the efforts undertaken by the Sokaogon Chippewa community are very worthwhile, and have been helpful in allowing the tribe to contribute accurate and up-to-date data to the Federal agencies reviewing the mine proposal. Would the Senator from Missouri agree that this project is very worthwhile?

Mr. BOND. I thank the Senator from Wisconsin for raising the ongoing concerns of the Sokaogon Chippewa community, and I concur with the Senator that their efforts to be proactive in assessing the potential efforts of mining on their lands are worthwhile and laudable.

Mr. KOHL. While funding has not been provided specifically for the Sokaogon Chippewa in the Senate version of this year's bill, it is my understanding that there are many other opportunities for securing Federal funding for this project. First and foremost, I would like to request the chairman's strong consideration for this project during conference with the House. In the past 2 fiscal years, the conference committee has included funding for this project, and the same arguments for its inclusion continue this year as well.

Mr. BOND. I assure the Senator from Wisconsin that I will certainly give this project every consideration in conference. Further, there are many additional options available for funding important projects such as this. For example, it is not unusual for EPA to fund projects through the reprogramming of funds from other programs or lower priority projects.

Mr. KOHL. I thank the Senator for his comments, and look forward to continuing to work with him on this matter.

WEST CENTRAL FLORIDA ALTERNATIVE WATER SOURCE PROJECT

Mr. MACK. Mr. President, the subcommittee has generously funded several alternative water source projects in west central Florida in the last two EPA budgets. These funds have provided critical support to assist with the development of new technologies and applications to help ensure that the fastest growing State in the country will be able to keep up with the ever-increasing demand for water for potable, agricultural, commercial, and industrial uses. The subcommittee's support for these programs has been greatly appreciated as Senator GRAHAM and I have been working with our colleagues in both the Senate and the House to establish an authorized program for Florida and other Eastern States to assist with the development of alternative water sources similar to those currently available to most of the Western States through the Bureau of Reclamation. Although the subcommittee was not able to make any funds available during fiscal year 1997 for the projects in Florida, I want to thank the chairman for his past support and look forward to working with him to address this important concern in next year's appropriations bill for EPA.

Mr. BOND. I appreciate the remarks of the Senator from Florida and commend him and others working on this to responsibly plan for our Nation's future water supply needs. I share his concerns and look forward to working with him. I would note that the VA/HUD bill provides $1.275 billion for drinking water State revolving funds, providing much needed assistance to every State for such meritorious projects as those raised by the Senator from Florida.

UPPER MIDWEST AERONAUTICS CONSORTIUM

Mr. DORGAN. I would like to thank the chairman and the ranking member for including language in the report to accompany the fiscal year 1997 VA–HUD appropriations bill concerning the Upper Midwest Aeronautics Consortium [UMAC], a group of universities and businesses which are working with NASA's Mission to Planet Earth. I would simply like to clarify one point about the report language.

Mr. BOND. We would be happy to engage in a colloquy with the Senator on this matter.

Mr. DORGAN. The report language accompanying the bill states that UMAC has successfully completed an initial study of the concept of converting Mission to Planet Earth [MTPE] data into practical information for use by the public and that NASA should give every consideration to funding UMAC under a solicitation program for the expanded use of MTPE data in the areas of agriculture, education and natural resources. I would just like to clarify that UMAC is not limited by the report language solely to funding under this grant program but can seek additional assistance from other NASA sources as well.

Mr. BOND. The Senator from North Dakota is correct. UMAC can seek funding from any available sources within NASA, and is not limited to the grant solicitation program mentioned in the Committee report.

Ms. MIKULSKI. That is my understanding as well. I am very pleased with the work accomplished by UMAC to date in making data from MTPE available to the public. This kind of practical application of scientific data is exactly the type of public private partnership that we should be encouraging. It has the potential for reaching thousands of our citizens, providing them with a broader base of understanding and support for the important work of Mission to Planet Earth.

Mr. DORGAN. I would like to thank both Chairman BOND and Senator MIKULSKI for this clarification.

DIABETES INSTITUTES AT THE EASTERN VIRGINIA MEDICAL SCHOOL

Mr. ROBB. Would the distinguished chairman and ranking member of the subcommittee be willing to enter into a colloquy with this Senator concerning some language included in the conference report to the House passed VA/HUD appropriations bill?

Ms. MIKULSKI. The Senator from Missouri and I would be pleased to enter into a colloquy with the Senator from Virginia.

Mr. ROBB. I thank my colleague and I say to my friends, we have in Norfolk, Virginia, a medical center—the Diabetes Institutes at the Eastern Virginia Medical School—which is distinguished for its work in diabetes research, education, and clinical care. The Diabetes

Institutes is interested in establishing a research program with the Veterans' Administration to reduce the cost of care to veterans with diabetes. The House of Representatives included report language in support of the diabetes Institutes in this regard, and I wondered if the Chairman and ranking member of the subcommittee here in the Senate would be willing to work to retain the House language in conference.

Mr. BOND. I have no objection to the House report language.

Ms. MIKULSKI. I would be pleased to do what I can to retain the House language in support of the Diabetes Institutes in the final conference report.

Mr. ROBB. I thank my friends from Missouri and Maryland for their kind assistance with this matter.

ONONDAGA LAKE MANAGEMENT CONFERENCE

Mr. MOYNIHAN. Mr. President, I rise to enter into a colloquy with the distinguished Senator from Missouri and the distinguished Senator from Maryland about funding for the Onondaga Lake Management Conference. As they both know, the conference was authorized in 1990 to develop a plan for the cleanup of Onondaga Lake, the most polluted lake in the country. The commission is composed of the State and local officials involved in the cleanup effort, as well as representatives from the Army Corps of Engineers and the EPA.

In addition to the ongoing planning effort, the Commission helps support pilot programs to restore plants and fish to the lake, demonstration projects to measure oxygenation of the lake, remediation projects to address combined sewer overflow problems, and other important initiatives.

Ongoing funding is necessary to complete the work of the conference, including these projects. I ask my colleagues to consider an allocation of $500,000 for the management conference when this bill goes to conference.

Ms. MIKULSKI. I am aware of the work being done by the management conference, and that we have funded it each year since fiscal year 1990. I too hope we will be able to set aside funds for the operations of the conference.

Mr. BOND. I agree that we should try to identify funds to keep the management conference in operation.

SARASOTA BAY NATIONAL ESTUARY PROGRAM

Mr. MACK. Mr. President, I want to express my appreciation for the chairman's support of my efforts in coordination with Senators GRAHAM, LIEBERMAN, and DODD to clarify the EPA's authority to obligate funds to assist State and local governments in implementing comprehensive conservation and management plans prepared through the National Estuary Program. It is important that we do this so that the knowledge we have gained since the program's inception is not lost for lack of the Federal Government being able to contribute its fair share for implementation activities. On that point, Mr. Chairman, I would like to call to your attention the committee report which expresses its support for the administration's request for, among other EPA programs, the National Estuary Program, and of particular interest to me, ''full funding of the Sarasota Bay project.'' As the Chairman knows, the administration's request for the NEP is not adequate to support a full implementation effort and I would ask for your confirmation of the subcommittee's intent that EPA make every effort to make funds available from other programs to supplement its budget request for the NEP to support CCMP implementation efforts such as the Sarasota Bay project.

Mr. BOND. I thank the Senator from Florida for bringing this important issue to the subcommittee's attention and appreciate his kind words. We are glad to be able to help with this in cooperation with Senator CHAFEE and the Committee on Environment and Public Works. I concur that EPA should provide adequate support to the NEP, and request a reprogramming if necessary.

Mr. CRAIG. If I might ask the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations about the EPA review of the national ambient air quality standard for particulate matter. I understand that there are recent epidemiological studies that indicate a correlation between exposure to air polluted with particulates and adverse human health effects, and that EPA is studying this matter as a high priority.

Mr. BOND. I thank the Senator from Idaho for raising this important point. The EPA has indicated to our committee that it is highly concerned about the health effects of particulates. We have met the EPA's request for funding for this program, and included $18.8 million. These funds are for health effects research, exposure research, improving monitoring technologies, modeling studies, and other key requirements.

Mr. CRAIG. I am pleased to learn that the committee has directed this level of funding to EPA for this important research. This comprehensive research program is very much needed. At present, there appears to be insufficient data available for the agency to decide what changes, if any, should be made to the current standard. There is no scientific consensus on whether it is necessary to change the current ambient air quality standards for particulate matter to protect human and environmental health. It has come to my attention that in a letter to EPA on June 13, 1996, EPA's own Clean Air Scientific Advisory Committee concluded that ''our understanding of the health effects of [particulates] is far from complete,'' and these scientific uncertainties prevented the committee from agreeing on the agency's suggested new particulate standards. In addition, the former chairman of this advisory committee who is now a consultant to the advisory committee, Roger McClellan, wrote the current chairman in May to advise him that ''the current staff document does not provide a scientifically adequate basis for making regulatory decisions for setting of National Ambient Air Quality Standards and related control of particulate matter as specified in the Clean Air Act.'' Finally, in a peer-reviewed article just published in the Journal of the National Institute of Environmental Health Sciences, scientists John Gamble and Jeffery Lewis conclude that the recent epidemiology studies that show statistically significant acute health effects of particulate air pollution do not meet the criteria for causality. They suggest that the weak statistical correlations of increased mortality are as likely due to confounding by weather, copollutants, or exposure misclassification as they are by ambient particulate matter.

As the chairman is aware, EPA is under a Federal court order to make a final decision on whether to revise the current clean air rule regarding particulate matter. Under the court order, EPA must make a proposed decision on or before November 29, 1996, and a final decision on or before June 28, 1997. Can the Chairman inform me whether the court order allows the agency to decide not to revise the particulate standard until there is sufficient scientific basis for doing so?

Mr. BOND. It is my understanding that the court order only requires the agency to make a final decision on whether to revise the current ambient air standard for particulates, but the order does not require the agency to promulgate a new standard.

Mr. FAIRCLOTH. If I might interject, the fact that EPA has found several studies that indicate a correlation between loading of particulates in the air and premature mortality is important. This suggested link to human health problems needs to be promptly and thoroughly investigated. My objective is to provide protection of public health and the environment by designing control strategies that reduce harmful particulates and other pollutants form the air people breathe. However, I am concerned that EPA may be rushed to judgment by the Federal courts before real science has been developed to inform the agency about which particulates, in which geographic locations, and in which concentrations are harming people and the environment. There are many questions that need to be answered about particulate matter, as EPA's Clean Air Scientific Advisory Committee, referred to as ''CASC,'' made clear in its June 13, 1996, letter to EPA—to which the Senator from Idaho just referred. For example, we do not know the mechanisms by which particulates might affect public health. Since 1988, particulate matter concentrations have declined by more than 20 percent, with substantial future declines in particulates expected to result from compliance with existing clean air standards. Moving forward with the targeted research program recommended by the

CASAC is essential to understand the health problems associated with particulates. That better understanding of the health effects caused by particulates is needed before we can design an effective control strategy. I would note for my colleagues that this EPA advisory committee is meeting again in early September to design this particulate research program.

* * * * *

Mr. FAIRCLOTH. If the chairman would yield, I would ask whether any of the money in the fiscal year 1997 funding for particulate research will go to implementing an ambient air quality and emissions monitoring program, and will EPA be placing the monitors, or simply telling the States to do it? We want to know not just whether this expense will bring any health benefits, but also whether it will create serious unfunded mandates problems. I would ask the chairman if he would join me in requesting that the EPA send the appropriate committees of Congress, within 90 days, a description of the monitoring program they will be implementing and to what extent EPA will fund the cost of that program, and whether they intend to ask for additional funding in fiscal year 1998.

Mr. BOND. Yes; the agency has informed me that it will be using the 1997 appropriation for both increased health effects research and, in addition, more than $2 million will be for initiating an emissions monitoring program. In addition, it is my understanding EPA will be requesting additional funds for monitoring in its fiscal year 1998 budget submission. It is my expectation that the agency will request the funds necessary to establish a thorough and scientifically defensible monitoring program. I concur that EPA should send us a description of their proposed comprehensive monitoring program and a budget proposal.

I thank my colleagues, and I agree with my colleagues that EPA should seriously consider a no change option as part of its proposed decision due by November 29. However, I would add that in view of the potential for harm to the public from particulates, a prudent option for the November deadline would be to reaffirm the current ambient air standard—and thus not disrupt ongoing programs—while moving expeditiously to implement a sound research agenda upon which to base future decisions.

Mr. President, I am also concerned that EPA must pay closer attention to the potential adverse impacts of changes to the particulates standard on small businesses. I am aware that EPA is taking the position that changes to the particulates standard do not impact small business in terms of implicating the Regulatory Flexibility Act, because the EPA's standards do not create burdens on small business, it is the State implementation plan. As a primary author of the 1996 amendments to the Regulatory Flexibility Act, I strongly disagree with the agency's interpretation, and believe that EPA agency should fully comply with the requirements imposed on Federal agencies by that act.

NASA WORK FORCE RESTRUCTURING REPORT

Mr. GLENN. I would like to discuss an important issue with the distinguished Chairman and ranking member of the subcommittee regarding NASA's civil servant work force and their collective future. Last month the General Accounting Office [GAO] provided me with an assessment of NASA's efforts and plans to decrease its staffing levels. As ranking member of the Governmental Affairs Committee with jurisdiction over the Federal civil service laws, I was keenly interested in learning how NASA was meeting its aggressive work force restructuring goals.

As my friends know, in the early 1990's, NASA was projecting its civil service work force to be about 25,500; however, budget levels have drastically changed that projection. Currently NASA's work force stands at about 21,500, and plans to reduce it to 17,500 by fiscal year 2000. The GAO report, entitled ''NASA Personnel: Challenges to Achieving Workforce Reductions,'' discusses various steps NASA has taken to reduce its work force to current levels. The GAO report suggests that NASA should provide to Congress a work force restructuring plan which lays out in detail how NASA intends to meet its work force goals. I would note that I have heard from employees at NASA's Lewis Research Center outside the Cleveland who are very concerned about their future, and the future of NASA-Lewis. I will continue to do everything I can to make sure that Lewis remains a top flight research facility.

Ms. MIKULSKI. The subcommittee is deeply concerned about the timetable and process which NASA intends to follow to achieve its stated goal of reducing the NASA work force from the current level to 17,500 by the year 2000. Notwithstanding its civil service goals, the subcommittee believes that NASA should maintain the institutional capability to accomplish our national aerospace objectives.

In part due to the severe budget constraints the agency faces, various NASA initiatives have called for the following: One, shifting program management from headquarters to field centers; two, transitioning to a single prime contractor for space flight operations; and three, privatization initiatives such as the science institute concept. It is unclear how each of these proposals will contribute to the future FTE goals.

Many employees at Goddard Space Flight Center, NASA's Wallops island facility and headquarters are my constituents, and have expressed concerns similar to those my friend from Ohio has heard from NASA Lewis. I will stand sentry to ensure that as many jobs as possible are protected. I have asked NASA headquarters to explain why their current approach is necessary.

Mr. BOND. I would add my recommendation that NASA develop a work force restructuring plan to be submitted with the agency's fiscal year 1998 budget. This document should provide NASA's current plan for reaching the fiscal year 2000 FTE figure. In developing this plan, the Administrator shall consult with the Secretary of Labor, appropriate representatives of local and national collective bargaining units of individuals employed at NASA, appropriate representatives of agencies of State and local government, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups affected by the restructuring plan.

Mr. GLENN. I strongly support that such a plan be submitted to the Congress. Further, I believe that for NASA headquarters and each field center, the plan should clearly establish the annual FTE targets by job description. The plan should also discuss what process and any assistance that will be provided to those employees whose jobs will be eliminated or transferred. To the extent possible the plan should be developed so as to minimize social and economic impact.

I would note that the Department of Energy has a legislative mandate to prepare a work force restructuring plan prior to any significant change in the work force at any of DOE's facilities. I was a primary author of this legislative provision—Public Law 102–484, section 3161. I believe that NASA should take a careful look at how DOE has developed their work force restructuring plans as it prepares the plan which we are requesting.

Ms. MIKULSKI. I agree with the Senator from Ohio. In addition, the President has indicated the need for a national space summit to elucidate our national space goals. I have been calling for such a summit for several months, and am pleased to see the President take this necessary step. Clearly the results of the space summit should also be incorporated into this work force restructuring plan.

Mr. GLENN. I thank my friend from Missouri and my friend from Maryland for their courtesy, and I would strongly encourage them to adopt language in the statement of the conference managers which would implement the work force restructuring plan we have discussed today.

Mr. BOND. The subcommittee will seriously consider the Senator's suggestion, and will work to implement it during the conference on our bill.

IMPROVEMENT AND REFORM OF THE FEDERAL ABOVEGROUND STORAGE TANK PROGRAM

Mr. ROBB. Mr. President, as the Senate considers fiscal year 1997 appropriations for the Environmental Protection Agency, it is only fitting that we highlight the need for reform in the manner in which EPA, in conjunction with the Department of Transportation and the Occupational Safety and Health Administration, regulates aboveground

petroleum storage tanks [AST's]. Under current Federal law, no less than five Federal offices are tasked with jurisdiction over these tanks. The myriad of Federal and State statutes coupled with the number of Federal offices administering the various regulations results in a situation which is at best confusing for aboveground storage tank owners, costly to taxpayers, and harmful to the environment.

Twice, once in 1989 and again in 1995, GAO has issued reports which detail how EPA should strengthen its program to improve the safety of aboveground oil storage tanks. While it is true that EPA has taken steps to implement some of the recommendations, EPA has yet to take substantive action on many others.

Ms. MIKULSKI. We are certainly committed to protecting and improving our environment. I would like to thank the distinguished Senator for highlighting this issue. I know that his State experienced a serious leak at an aboveground storage tank farm in Fairfax County, VA. I am interested in knowing how serious is the problem nationwide?

Mr. ROBB. In addition to the confusion created by the patchwork of laws regulating these aboveground petroleum tanks, a far graver problem exists with respect to the frequency with which these tanks and their pipes are currently leaking, releasing petroleum into the environment. Two GAO studies, one in 1989 and the other in 1995, found a significant number of tanks were leaking between 43 and 54 million gallons of oil per year.

More recently, there have been countless news reports on tank releases, leaks, failures and fires. Unfortunately, current Federal law only requires tank owners to report releases that contaminate surface water. There is no similar reporting requirement for underground leaks, and EPA does not have the authority to respond to leaks that contaminate ground water. Just last month, lightening struck an AST at a Shell gasoline facility in Woodbridge, NJ, igniting a fire that seriously injured 2 people and forced the evacuation of 200 nearby residents.

Although this fire was started by an act of nature, it's instructive because it highlights the serious dangers associated with AST fires, which pose complex challenges to firefighters, jeopardize nearby communities, and threaten ground water contamination. From Anchorage, AK, to the Everglades in Florida, damage from leaking tanks has been incurred, and some areas permanently spoiled from millions of gallons of leaked oil. This problem poses a critical threat to our country's ground, surface, and drinking water. With approximately half a million aboveground storage tanks located throughout this Nation, this is simply a matter we cannot continue to ignore. The tank fire in New Jersey serves to further demonstrate the need for improvement of AST safety and operation. The future safety of our families and homes depends upon meaningful reform in this area.

I think my colleague from South Dakota can also shed some light on this problem. Mr. President, would the Democratic leader please share his State's experience with an AST release that occurred 6 years ago in Sioux Falls.

Mr. DASCHLE. Certainly, but first I want to take a moment to thank the Senator from Virginia for his longstanding dedication and leadership on this issue. We have worked together on AST legislation since the 102d Congress, and again I appreciate this opportunity to work with him.

Senator MIKULSKI may remember that 6 years ago Sioux Falls suffered an AST leak of great magnitude. I can tell my colleague from personal observation that the environmental and public health effects of the spill were devastating, not to mention the costly cleanup expenses incurred. We now have the means to prevent similar incidents in my State and throughout the Nation.

My colleague from Virginia indicated the two GAO reports confirm that AST leakage is a prevalent problem across the country.

Mr. ROBB. I want to add that the underground storage tank program at EPA has enjoyed a wide measure of success. It is both comprehensive and understandable. Certainly, the regulation of above-ground petroleum tanks warrants similar consideration. Also, EPA has established an effective response program to surface water oilspills. EPA should now place a focus on improving the safety of AST operations and on leaks to ground water. This could only bolster EPA's spill prevention and response program.

Ms. MIKULSKI. In the opinion of the Senator, what would be the most effective means of addressing the issue?

Mr. ROBB. First, a commonsense approach is necessary. We can improve the Federal program so that it complements industry's efforts to improve voluntary AST standards. Some say that industry and environmental groups cannot work together to improve the environment. I simply do not believe this has to be the case.

In January, Senator DASCHLE, Senator SIMPSON, and I introduced a bill on AST's that is the product of a coalition of several industry and environmental groups. Our bill seeks not only to improve the environment with respect to above-ground tanks, but also seeks to reduce the regulatory requirements on industry.

We need Federal legislation to improve and reform the Federal program regulating AST's. This will provide more clear, concise guidelines to tank owners and operators, and enable EPA to deal swiftly and effectively with threats to human health and the environment.

Specifically, the bill would require EPA to consolidate its aboveground storage tank offices into one office on storage tanks. In conjunction with this restructuring, the bill requires EPA to work with the Department of Transportation and the Occupational Safety and Health Administration to streamline and simplify the current regulatory structure affecting aboveground petroleum storage tanks and their owners.

To improve the safety of large AST's that store oil, the bill also requires EPA to review current regulations to determine if gaps may exist, specifically with reference to secondary containment, overfill prevention, testing, inspection, compatibility, installation, corrosion protection, and structural integrity of these large petroleum tanks. Where current industry standards do not address those deficiencies identified, the EPA would be responsible for promulgating rules in the most cost-effective manner to alleviate those gaps.

Lastly, the bill would impose new reporting requirements for petroleum leaks so that EPA will know when they occur underground. EPA should not have to wait until leaks are too large to ignore or until they have contaminated an important ground water source.

I believe EPA has worked hard to implement a strong AST program. But I also know that more could be done. It is my hope that our bill will not only compliment EPA's efforts, but also allow EPA to place a higher priority on this issue.

Mr. DASCHLE. I would also like to emphasize one final point about our AST bill. We are more than aware of the frustration felt by many over the development and enforcement of Federal regulations and the lack of sensitivity exhibited by Federal agencies, particularly in regard to environmental statutes.

The bill does not exacerbate this problem. Rather, Senator ROBB, Senator SIMPSON, and I have worked together to ensure that our bill creates workable and streamlined regulations to ensure proper precautions are taken to prevent AST leakage and spills. This bill's simplicity is its elegance. I thank the Senator for her attention to this matter.

Ms. MIKULSKI. I thank my colleagues for bringing this important issue to the Senate's attention. I look forward to working with them to help reach some meaningful resolution to the problem at hand.

Mr. ROBB. I want to thank our distinguished ranking member for the opportunity to highlight the need for this type of reform and also look forward to working with her in the future.

NCAR

Mrs. BOXER. As the distinguished ranking member of the subcommittee is aware, the National Center for Atmospheric Research, or NCAR, is in the process of procuring a supercomputer to conduct complex weather simulation analyses. NCAR is a major grantee of the National Science Foundation, NSF.

NCAR published a request for proposals to provide the most capable supercomputer for a fixed price of $35 million. Three companies made proposals—Fujitsu, NEC, and Cray Research.

Ms. MIKULSKI. I am aware of the proposed procurement. NCAR initially selected NEC, but NSF announced last week that it is halting action on the proposed procurement until the completion of an investigation into illegal dumping.

Mrs. BOXER. I am very concerned by the possibility of dumping in this case. An internal analysis conducted by Cray Research estimated that NEC's costs exceed its sales price to NCAR by over 400 percent. According to Cray's analysis, NEC proposed selling a supercomputer fairly valued at almost $100 million for only $35 million.

The day after the selection of NEC was announced, Paul Joffe, Acting Assistant Secretary of the Department of Commerce for Import Administration, advised Dr. Neal Lane, Director of the National Science Foundation, of the strong possibility of dumping in this case. In the letter, Secretary Joffe states:

Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

Mr. KOHL. On July 29, Cray Research filed a formal petition for investigation with the Department of Commerce and the International Trade Commission. Under the antidumping law, the Department of Commerce was required to decide whether or not to initiate a formal investigation within 20 days. The ITC has 45 days to reach a preliminary determination.

Mr. FEINGOLD. On August 19, the Department of Commerce announced that it would initiate a formal antidumping investigation. The following day, Dr. Neal Lane, Director of the National Science Foundation announced that the NSF was halting action on the supercomputer procurement. Dr. Lane said in a written statement, ''It would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.'' I would ask the distinguished ranking member of the subcommittee if she agrees with Dr. Lane's view.

Ms. MIKULSKI. I do agree. I especially agree with Dr. Lane's statement that ''Acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer money.'' It is critical, both from an economic and national security perspective, that the United States maintain its leading role in supercomputing technology. Because the supercomputer industry survives on relatively few sales, each procurement project plays an important role in maintaining the supercomputer industrial and technology base. I therefore strongly concur with the NSF's recent action.

Mr. KOHL. The committee report, which was filed on July 17, notes that no official determination of dumping, preliminary or otherwise, has been made in this case. Would the Senator agree that this statement is no longer accurate?

Ms. MIKULSKI. The decision by the Department of Commerce to initiate a formal investigation is an official determination that illegal dumping may have occurred. Furthermore, the letter written earlier by Secretary Joffe strongly suggests the possibility of dumping.

Mrs. BOXER. I thank the distinguished ranking member for sharing her views on this important subject. I know that she shares my view that the NSF is a very important agency and that this procurement is very important both for NCAR and the U.S. supercomputer industry.

Ms. MIKULSKI. I will continue to monitor this situation and will do all I can to ensure taxpayer dollars are spent responsibly by the NSF and its grantees.

Mrs. BOXER. I thank the Senator. I ask unanimous consent that the statement by NSF Director Neal Lane and the letter to Dr. Lane from Secretary Paul Joffe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. NEAL LANE, DIRECTOR, NATIONAL SCIENCE FOUNDATION, ON SUPERCOMPUTER ACQUISITION

The U.S. Department of Commerce has announced that it is initiating an investigation to determine whether Japanese vector supercomputers were being dumped in the United States and whether these imports were injuring the U.S. industry. The investigation includes a bid submitted in a supercomputer procurement being conducted by the University Corporation for Atmospheric Research (UCAR)—an awardee of the National Science Foundation. In my view, it would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.

In light of the numerous questions raised about and interest expressed in this procurement, I am pleased that the issue of dumping is being properly addressed by the appropriate federal agencies. The Department of Commerce and the International Trade Commission have the statutory authority, the expertise, and the established procedures to determine whether this offer is being made at less than fair value, and whether it would be injurious to America industry.

I am acutely aware that the National Center for Atmospheric Research (NCAR), which is operated by UCAR, needs state-of-the-art computational equipment to maintain U.S. world leadership in climate modeling research. I feel, however, that acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer monies.

I hope the investigations will proceed expeditiously and bring a prompt resolution to this matter.

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, DC, May 20, 1996.

DR. NEAL LANE,
Director, National Science Foundation,
Arlington, VA.

DEAR DR. LANE: The Department of Commerce is responsible for administering the U.S. antidumping law, which guards against unfair international pricing practices that harm U.S. industries. Injurious dumping, which is condemned by the General Agreement on Tariffs and Trade, can have serious adverse consequences for domestic producers and future consumers.

As you requested, we have examined the proposed procurement of a supercomputer system by the National Center for Atmospheric Research (NCAR), which is funded in part by the National Science Foundation and other federal agencies through the University Corporation for Atmospheric Research, to determine if it involves dumping. We have evaluated the NCAR procurement, and have information that we believe is relevant.

Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

We have significant concerns that importation of the NCAR supercomputer system would threaten the U.S. supercomputer industry with material injury within the meaning of the antidumping law, because the imports are likely to have a significant suppressing or depressing effect on domestic prices and because these imports could have a serious adverse impact on the domestic industry's efforts to develop a more advanced version of the supercomputer system to be supplied.

Antidumping investigations can be initiated either at the request of the domestic industry or on the initiative of the Department of Commerce. If the Department finds dumping margins and the U.S. International Trade Commission finds injury, the Department will issue an antidumping order and will instruct the U.S. Customs Service to collect from the importer of the dumped merchandise an antidumping duty in the amount of the dumping margin.

Please let us know if we may answer any questions you may have. I may be reached at (202) 482–1780.

Sincerely,

PAUL L. JOFFE,
Acting Assistant Secretary
for Import Administration.

LIHPRHA FUNDING

Mr. CRAIG. Mr. President, the Senate adopted an amendment to H.R. 3666, which was included in a package of managers' amendments, and which originally was offered by the Senator from Massachusetts [Mr. KERRY], myself, and others. This amendment will restore some certainty to the Senate's appropriation for assistance under the Low Income Housing Preservation and Resident Homeownership Act, or LIHPRHA. I appreciate the managers accepting this amendment.

Senators MOSELEY-BRAUN, KEMPTHORNE, KERRY, and I had written Chairman BOND earlier to express our support for appropriating at least $500 million for LIHPRHA this year, and to note that, within a tight and fiscally

responsible budget, this program remains a reasonable priority.

Mr. President, as always, I want to reiterate my commitment to balancing the Federal budget and keeping it balanced. Balancing the budget is all about setting priorities. This Congress, the bravest in 40 years, has passed balanced budgets and I have supported them. I have no trouble finding room within those budgets for reasonable appropriations for LIHPRHA.

I have spoken with Idahoans—tenants and owners alike—who have turned to LIHPRHA as a cost-effective way to maintain private ownership of low-income housing, to preserve that housing stock, and to keep it in good repair. Just last month, such a transfer was concluded in Moscow, ID, involving a seller and buyer who care about tenants of modest means and wanted to see their affordable housing maintained.

The VA–HUD appropriations bill, as reported, had stated its hope and intent that $500 million is available for LIHPRHA in fiscal year 1997.

But, because $150 million of that appropriation would have been conditioned on recapturing interest savings when some owners sell what we call section 236 projects and pre-pay their mortgages, the timing of that funding stream would have been highly uncertain.

Such uncertainty would hamper effective decisionmaking in HUD's regional offices and would discourage the very buyers and sellers who want to keep low-income housing available to those who need it. This preservation has noble, beneficial goals. But the current process already takes too long and involves too much redtape. We don't need to make things worse by making the timing its funding still more unpredictable.

Also, it would have mixed apples and oranges to rely on money generated when housing loses its status as low-income housing to pay for a program intended to preserve low-income housing.

Our amendment offers the best of both worlds. The funding stream for LIHPRHA would be more certain. Any unexpected surplus section 236 savings would go to deficit reduction. This creates a win-win situation.

Our amendment is budget-neutral because LIHPRHA simply would be decoupled from the section 236 recaptured interest savings. These savings would continue, as they do under current law, to go into the Treasury, instead of being made directly available to LIHPRHA. This makes more sense.

Chairman BOND and I have visited about this program last year and I appreciate his continued willingness to support this program. I know the committee has been looking for the best means of continuing the program. I hope and believe that our amendment has been helpful to the chairman and the committee in this regard.

Once this bill goes to conference, I urge the committee to do everything possible to safeguard LIHPRHA funding. It is my hope that, if possible, the conference committee on this bill could provide more for this program.

The $500 million in this bill represents a 20 percent cut from fiscal year 1996 dollars. Even at this level, there is much more low-income housing ready for sale that can be accommodated by fiscal year 1997 appropriations for preservation. These are projects for which most of the work on the part of the sellers and buyers has been completed, and for which HUD has approved plans of action. Obviously, some sellers will not be able to postpone selling until fiscal year 1998—if there are appropriations then—and will have to sell sooner, without the guarantee of preserving the low-income status of the housing.

I understand there are concerns that the results of this program may not be as favorable and economical in every case as has been our experience in Idaho. Some reforms can and should be made that would make the program more cost-effective. Chairman BOND and Senator KERRY are both members of the Banking, Housing, and Urban Affairs Committee, and I look forward to their leadership in this area.

I thank Senator KERRY for his leadership on this amendment, I commend Chairman BOND for his helpfulness in this process, and I thank the managers and the Senate for accepting our amendment.

THE PRESIDENT'S EXECUTIVE ORDER TO BRING FEDERAL SURPLUS COMPUTER EQUIPMENT TO PUBLIC SCHOOLS

Mr. LEAHY. Earlier this year President Clinton signed Executive Order 1299 to aid in the process of transferring Federal surplus computer equipment to our public schools. This is equipment that in the past has sat on palettes in Federal warehouses gathering dust and becoming obsolete while schools all around the country try to scrape together the funds to buy computer technology equipment for their students.

I applaud the administration's effort to put this unused equipment to work in our classrooms. To help support that initiative I offered an amendment to the Treasury, Postal Service, and general Government appropriations bill with Senator MURRAY which reiterates the importance of this initiative and urges Federal Agencies to work with the Federal Executive Boards to implement it. I also strongly supported Senator MURRAY's language in the legislative branch appropriations bill bringing the Senate into compliance with the Executive order. We in Congress should be leading the effort to bring computer technology to our public schools.

Making unused computer equipment available to schools is too important to let fall between the cracks of the many bureaucracies involved in this initiative. A report to Congress at the end of the year is needed to ensure that the Executive order is carried out and to monitor its progress in bringing Federal surplus computers to our educators. The Office of Science and Technology Policy has been deeply involved in coordinating the implementation of the Executive order. I believe that the office is the appropriate one to carry out such a report.

I have written to John Gibbons, Director of OSTP requesting that his office provide such a report to Congress by January 30, 1997. He responded by concurring that such a report is needed and offering the services of his office to carry it out within available resources. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 31, 1996.

Mr. JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Old Executive Office Building, Washington, DC.

DEAR MR. GIBBONS: I would like to congratulate you on the work your office has done to implement the President's Executive order to bring Federal surplus computer equipment to schools. This initiative is sorely needed to transfer serviceable computer equipment no longer needed by Federal Agencies to our public schools where the need for this technology is great.

Senator Murray and I offered an amendment to the Fiscal Year 1997 Appropriations report for Treasury, Postal Service, and General Government which reinforces the importance of the Executive Order and urges governmentwide cooperation in speeding its implementation. I also strongly supported Senator Murray's language in the Legislative Appropriations bill bringing the United States Senate into compliance with the Executive Order. Congress should be leading the charge to bring surplus and excess computer equipment to our schools—Senator Murray's language will put the Senate in the race. For your information, I have included a copy of the report language in the Treasury and Legislative Appropriation bills.

I believe that the steps Federal Agencies are taking to conform with the Executive Order will be effective in bringing more surplus equipment to schools at less cost to the government and the schools themselves. A timely analysis of the progress that has been made and the problems Departments and the Federal Executive Boards may have run into would be very helpful in evaluating the success of the initiative. Because of the central role your office has played in this important effort to bring computers to schools, I think the Office of Science and Technology Policy (OSTP) is the most appropriate body to carry out such an evaluation.

Specifically, I request that OSTP report to Congress by January 30, 1997 on the implementation of the Federal Executive Order. This report should include information on the progress of Federal Agencies and Congress in making surplus computer equipment available to schools, and on the effectiveness of the Federal Executive Boards in channeling this equipment through the regions.

I look forward to working with your office to make sure that unused Federal computer equipment is made available to schools around the country. If you have any questions about the requested report please contact Amy Rainone in my office at 224–4242.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, DC, August 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As you know the President has worked hard to ensure that education technology is used effectively to prepare our children for the 21st century. I want to thank you for the leadership you have provided in helping America's schools make effective use of new technology. Your leadership in the Senate Education Technology Working group is very much appreciated.

I strongly concur with your recommendation that a study be conducted to determine how effectively the executive order to improve the transfer of excess federal computer equipment to schools and nonprofit organizations is being implemented. Within the limits of OSTP's resources, we will survey the way federal agencies are responding to the order and provide an estimate of the kinds of equipment that is being made available to schools. The study will be provided to the Congress by January 30, 1997 together with recommendations about any administrative or legislative actions that may be needed to improve the operation of the federal program and advice about the need for further reviews and oversight.

Sincerely,

JOHN H. GIBBONS,
Director.

Mr. LEAHY. Mr. President, does the Senator from Maryland support the use of OSTP funds to cover the expenses of preparing this important report for Congress?

Ms. MIKULSKI. I agree that this is an important initiative and one which Congress should support. Maryland schools are also trying very hard to ramp up to the information highway by providing Internet links and computer technology for students. I do think that producing such a report is an appropriate use of the funds provided in this bill and I join the Senator in urging OSTP to carry out the report by January 30, 1997.

CORPORATION FOR NATIONAL SERVICE, AMERICORPS USA

Mr. GRASSLEY. Mr. President, I want to talk about the Senate's appropriation for the Corporation for National Service. In particular, I want to talk about the appropriation for AmeriCorps. The program is not yet out of the woods. Though the program may be funded, the Senate should do so only with continued and close scrutiny.

I have been one of the most outspoken critics of the President's AmeriCorps Program. It has begun reform, but still needs more time to succeed. AmeriCorps has former Senator Harris Wofford as its new chief executive officer. He has approached me for assistance in helping the program to succeed.

Senator Wofford has assured me that he is attempting to reform the program. I think that the program deserves that chance. It is a high priority for the President, and I believe that a President should have the benefit of the doubt on his highest priorities. However, this program still needs to meet the tough standards that the President set. Frankly, AmeriCorps has not yet met those standards.

I want to praise the appropriators. In their subcommittee, Senators BOND and MIKULSKI have funded the National Service Corporation for fiscal 1997 at last year's levels. Because of my involvement, I am particularly proud of one new initiative to be funded in the AmeriCorps Program.

AWARDS FOR EDUCATION ONLY

I want to draw attention to this new cost saving initiative that I helped to develop. Of the entire appropriation for the National Service Trust, $9.5 million will be set aside to award true education scholarships for service. AmeriCorps has announced that it is awarding the first of 2,000 separate volunteers with scholarships, and only scholarships.

In other words, for volunteerism there shall be a reward of education. Gone will be the living allowances, recruitment costs, and much of the administrative overhead. These education-only awards will help true students go to college. The taxpayers will be rewarded with a greater value for their dollar. I believe that this pilot project may become so successful that it could become the future of AmeriCorps.

MATCHING REQUIREMENTS

Senator Wofford has told me he has increased the program matching requirement for all grantees. This requirement was 25 percent and has become 33 percent. This means that 67 percent of the program subsidy for AmeriCorps volunteers should come directly from the Federal taxpayer. This might seem attractive to some, but I have reservations.

I am reserved because, if there is an immediate problem with this target, then the problem could be in the sources of the 33 percent matching funds. It seems that a sizable portion of these matching funds will come from coffers of State governments. Because State taxpayers are also Federal taxpayers, I think that the State taxpayers reasonably expect that we in the Federal Government will do careful oversight of their tax dollars. That is why I hope that AmeriCorps will quantify and reach an acceptable goal for true private sector contributions. I emphasize the words private sector, and I hope that AmeriCorps will adopt a similar emphasis.

A NEW GAO STUDY

In its brief history, AmeriCorps has developed an infamous past. The inspector general of the Corporation for National Service attempted to audit the AmeriCorps' books and determined that the books were unauditable. There has been a lack of financial controls. It seems that some people who were in charge of writing checks were also in charge of accounting for receipts.

Last year, the General Accounting Office found that the AmeriCorps cost per participant was $27,000 instead of the $18,000 promised by the President.

This year, Senator BOND and I have asked the General Accounting Office to conduct another study. The GAO will go out to study the AmeriCorps programs at the State level.

The GAO will audit matching funds gathered by the State programs. The GAO will also look into the feasibility of giving more responsibility to the State commissions under the AmeriCorps Program. Greater autonomy for the State programs is a criterion that was reached in my agreement with Senator Wofford.

THE PRESIDENT'S NEW AMERICORPS INITIATIVE, READ AMERICA

Mr. President, before I conclude, I want to briefly discuss something regarding AmeriCorps that the President mentioned at his political convention. He mentioned that he would like to employ AmeriCorps subsidized workers to help teach some children to read. Although teaching children to read is a worthy cause, I will say two things about using AmeriCorps to do it.

First, as far as I am concerned, AmeriCorps is still on probation until it solves all of its current and continuing troubles. I question the wisdom of sending more money and increased responsibility to AmeriCorps until it has proven to the taxpayers that it is out of the woods.

The President has called for a massive increase in a program that has only had trouble. That plays into the claims of many that the President has no real interest in seeing AmeriCorps succeed. To them it shows that the President is only interested in seeing it used for campaign promises and political commercials.

Second, I think that if the President wants to help kids to learn to read, then he should allow parents to help their own kids to learn to read. He could do this by delivering on the middle class-tax cut that he promised. With fewer taxes, maybe both parents in a family will not have to work full time as they currently do. I think that many parents would enjoy teaching their own children to read if they only had the time. In short, families do not need more government spending, they need less government spending and fewer taxes.

Mr. President, AmeriCorps has reported that it is attempting to mend its programs. I think that the program deserves that chance. I conservatively support this appropriation with the reservations that I have spoken of.

SAFE DRINKING WATER REVOLVING LOAN FUND

Mr. BAUCUS. Mr. President, I would like to thank the managers of this bill, Senators BOND and MIKULSKI, for providing the first-time capitalization grant for the long awaited safe drinking water revolving loan fund. The much needed $725 million for the recently established drinking water loan fund will provide assistance to those drinking water suppliers who are trying to comply with the Federal law.

There are so many communities, especially small communities, that need

the funding and have been counting on Congress to act. Small communities lack the economies of scale to spread the cost of compliance among their customers, even though they have to comply with the same regulations as large systems. The bill signed into law last month recognizes these differences by, among other things, providing a funding source.

I appreciate the manager's recognition of this need and look forward to working with them in the future to ensure that this new loan fund meets the needs of the Nation's drinking water suppliers.

YOUTHBUILD BUILDS FOUNDATIONS FOR SUCCESS

Mr. KERRY. Mr. President, I would like to thank and congratulate my colleagues on the VA, HUD, Independent Agencies Appropriations Subcommittee, Senator BOND and Senator MIKULSKI, for their wisdom in providing $40 million for the Youthbuild program for fiscal year 1997. This amount is the same approved by the Senate last year for the current fiscal year, which was cut in half in negotiations with the House.

The Youthbuild Program gives young adults in our inner cities a chance. This program offers young adults ages 16 to 24 the opportunity to rehabilitate housing for the homeless or low-income people while attending academic and vocational training classes half time. Participants typically alternate a week on a construction site with a week in the Youthbuild classroom, where they work toward their GED's or high school diplomas. Youthbuild programs usually run for 12 months, after which graduates are placed in jobs or college. The programs are able to provide another 12 months of followup to assist these graduates to successfully complete their transitions from school to work.

The design of Youthbuild makes it unique among job training and community development programs. Youthbuild places a major emphasis on leadership development, with leadership defined as taking responsibility to make things go right for yourself, your family, and your community. Intensive counseling and a positive peer group provide personal support and an affirmative set of values to assist young people to make a dramatic change in their relationship to their communities and their own families. Thus, through Youthbuild's learning, construction, and personal components, students simultaneously gain the educational skills, work training, and sense of self they need to go on to productive, responsible futures.

In 1995 alone, Youthbuild programs helped more than 3,000 young people to become positive leaders and peer models in their communities. There are now 90 HUD-funded Youthbuild programs in operation in 38 States, and 56 organizations are planning to establish Youthbuild programs in their own cities and rural communities. Over 540 community organizations in 49 States and the District of Columbia applied to HUD last year for Youthbuild funding.

Despite the program's success, fiscal 1996 funding for this program was cut from $40 to $20 million at the behest of the House of Representatives. The Senate bill had contained a $40 million earmark. A return to the 1995 funding level is necessary if we are to maintain the achievements and realize the promise of this valuable movement. This program and the young people it serves—who also are the young people who do much of its work—need our help. They are some of the best that we have in this country and I am proud of their achievements and their drive to help themselves and to help others around them. They are a class act and the work they do is truly inspiring.

The $40 million for Youthbuild for fiscal year 1997 will allow Youthbuild to enroll 2,000 more young people nationwide, directly helping at-risk youth and furthering the development of affordable housing for the communities in which they live. It will preserve the infrastructure of local programs upon which we can then build and expand while steadily leveraging increased local support. I want to thank the 38 other Senators signing a letter to Senators BOND and MIKULSKI requesting the $40 million figure and I urge my Senate colleagues to insist on this amount in conference.

Mr. President, I would also like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and president of Youthbuild USA, for her tireless and selfless contributions to the Youthbuild Program and to youth across the United States. She was recently awarded the prestigious MacArthur Foundation Award in recognition of her long fight to uplift the lives of youths on the margins of poor communities. She is a wonderful example of how individuals can really do good for others in this world and I want to make known my great admiration and praise for her efforts. This award is a testament to her hard work, and to the youth that are making our cities and towns better places to live every day. Her vision is inspiring and her enthusiasm contagious.

When people say that nothing works, when people say that poverty is inevitable, and when people say that there is no way to change injustice, Ms. Dorothy Stoneman is there to demonstrate that futility is not inevitable. She is a real life hero and I would like to thank her for her commitment to excellence. But what Dorothy Stoneman wants more than anyone's words of praise is the ability to offer to more young people Youthbuild's demonstrated ability to help young people take responsibility for themselves and their communities—to rescue down and out youths for lives of fulfillment and contribution. We help our country when we help these young people via Youthbuild.

ROUGE RIVER NATIONAL WETWEATHER DEMONSTRATION PROJECT AND THE CLINTON RIVER WATERSHED

Mr. LEVIN. Mr. President, I am pleased that the managers have made changes to the House-passed bill to allow the expenditure of $725 million in already appropriated funds for the new drinking water State revolving fund in fiscal year 1996. I encourage the conferees to retain this change so that money can flow to the States and local governments as soon as possible.

As my colleagues may know, the Rouge River National Wetweather Demonstration Project serves as a model for watershed-basin management, but on a very large, very urban scale. It combines all the key components affecting water quality in the Rouge watershed, which feeds into the Detroit River and then into Lake Erie. Cleaning up the Rouge River basin will have a beneficial effect on water quality from Detroit to the mouth of the St. Lawrence River and beyond. The House bill provides $20 million in fiscal year 1997 for this important project and I strongly urge the managers and the conferees to maintain that amount, if the final conference report includes project level recommendations.

Also, I would like to urge inclusion of approximately $500,000 for the Clinton River watershed Council in the conference report. The Clinton River Watershed feeds into Lake St. Clair, which experienced severe pollution in the summer of 1994 that closed beaches and threatened the local economy. Nutrient loadings, sewage overflows, and zebra mussel infestation contributed to a very unpleasant, if not public health-threatening situation. Clearly, something needs to be done in this dynamic part of Michigan to ensure that growth is sustainable. I encourage the managers and the conferees to include the above requested funds so that an integrated and comprehensive watershed management plan can be developed and executed. Some of the methods and experiences of the Rouge watershed will be very useful in the Clinton watershed.

I look forward to working with the conferees on these items.

Mr. BOND. Mr. President, I believe that concludes the work on the VA–HUD bill for the evening.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2

U.S.C. sec. 1384(b)), a Notice of Adoption of Regulations and Submission for Approval was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act.)

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(e) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to both the Advance Notice of Proposed Rulemaking published on March 16, 1996 in the Congressional Record and the Notice of Proposed Rulemaking published on May 23, 1996 in the Congressional Record, has adopted, and is submitting for approval by Congress, final regulations implementing section 220(e) of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3.

For Further Information Contact: Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA 200, John Adams Building, Washington, DC 20540–1999, (202) 724–9250.

SUPPLEMENTARY INFORMATION

I. Statutory Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices.

Section 220 of the CAA address the application of chapter 71 of title 5, United States Code (''chapter 71''), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance (''Board'') to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations ''shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority (''FLRA'') to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest.''

The Board adopted final regulations under section 220(d), and submitted them to Congress for approval on July 9, 1996.

Section 220(e)(1) of the CAA requires that the Board issue regulations ''on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply to covered employees who are employed in the offices listed in'' section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any member of the House of Representatives or any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and,

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the ''section 220(e)(2) offices.''

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of [the CAA] . . '' To this end, section 220(e)(1) mandates that such regulations ''shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter,'' with two separate and distinct provisos:

First, section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations ''to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''

Second, section 220(e)(1)(B) directs the Board to issue regulations that ''exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities.''

The provisions of section 220 are effective October 1, 1996, except that, ''[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e).''

II. Advance notice of proposed rulemaking

In an Advance Notice of Proposed Rulemaking (''ANPR'') published on March 16, 1996, the Board provided interested parties and persons with the opportunity to submit comments, with supporting data, authorities and argument, concerning the content of and bases for any proposed regulations under section 220. Additionally, the Board sought comment on two specific issues related to section 220(e)(1)(A): (1)Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? and (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices? The Board also sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? and (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why? In seeking comment on these issues, the Board emphasized the need for detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1)(A) and (B).

The Board received two comments in response to the ANPR. These comments addressed only the issue of whether the Board should grant a blanket exclusion for all covered employees in certain section 220(e)(2) offices. Neither commenter addressed issues arising under section 220(e)(1)(A) or any other issues arising under 220(e)(1)(B).

III. The notice of proposed rulemaking

On May 23, 1996, the Board published a Notice of Proposed Rulemaking (''NPR'') (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) in the Congressional Record. Pursuant to section 304(b)(1) of the CAA, the NPR set forth the recommendations of the Executive Director and the Deputy Executive Directors for the House and the Senate.

A. Section 220(e)(1)(A)

In its proposed regulations, the Board noted that, under section 220(e)(1)(A), the Board is authorized to modify the FLRA's regulations only ''to the extent that Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the

rights and protections under [section 220(e)].'' The Board further noted that no commenter had taken the position that there was good cause to modify the FLRA's regulations for more effective implementation of section 220(e). Nor did the Board independently find any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). Thus, the Board proposed that, except as to employees whose exclusion from coverage was found to be required under section 220(e), the regulations adopted under section 220(d) would apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

With regard to section 220(e)(1)(B), the Board concluded that the requested blanket exclusion of all of the employees in certain section 220(e)(2) offices was not required under the stated statutory criteria. However, the Board did propose a regulation that would have allowed the exclusion issue to be raised with respect to any particular employee in any particular case. In addition, the Board again urged commenters who supported any categorical exclusions, in commenting on the proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board could exclude them by regulation, where appropriate.

C. Section 220(e)(2)(H)

Finally, in response to a commenter's assertion and supporting information, the Board found that employees in four offices identified by the commenter performed functions ''comparable'' to those performed by employees in the other section 220(e)(2) offices. Accordingly, the Board proposed, pursuant to section 220(e)(2)(H), to identify those offices in its regulations as section 220(e)(2) offices.

IV. Analysis of comments and final regulations

The Board received six comments on the NPR, five from congressional offices and one from a labor organization. Five commenters objected to the proposed regulations because all covered employees in the section 220(e)(2) offices were not excluded from coverage. These commenters further suggested that the Board has good cause, pursuant to section 220(e)(1)(A), to modify the FLRA's regulations by promulgating certain additional regulations. One of the commenters stated its approval of the proposed regulations.

The Board has carefully reexamined the statutory requirements embodied in 220(e), and evaluated the comments received, as well as the recommendations of the Office's statutory appointees. Additionally, the Board has looked to ''the principles and procedures'' set forth in the Administrative Procedure Act, 5 U.S.C. §553 (''APA''), which sections 220(e) and 304 of the CAA require the Board to follow its rulemakings. See 2 U.S.C. §1384(b). Finally, the Board has carefully considered the constitutional provisions and historical practices that make Congress a distinct institution in American government.

Based on its analysis of the foregoing, on the present rulemaking record, the Board has determined that:

under the terms of the CAA, the requirements and exemptions of chapter 71 shall apply to covered employees who are employed in section 220(e)(2) offices in the same manner and to the same extent as those requirements and exemptions are applied to covered employees in all other employing offices;

no additional exclusions from coverage of any covered employees of section 220(e) offices because of (i) a conflict of interest or appearance of conflict of interest or (ii) Congress' constitutional responsibilities are required; and

in accord with section 220(e)(2)(H) of the CAA, eight additional offices beyond those identified in the Board's NPR perform ''comparable functions'' to those offices identified in section 220(e)(2).

The Board is adopting final regulations that effectuate these conclusions. The Board's reasoning for its determinations, together with its analysis of the comments received, is as follows:

A. Section 220(e)(1)(A) Modifications

Section 220(e)(1) provides that the Board ''shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees'' in section 220(e)(2) offices. In response to the Board's ANPR, no commenter suggested that the Board's regulations should apply differently to section 220(e)(2) employees and employing offices than to other covered employees and employing offices. Several commenters have now suggested that the regulations should be modified in various respects for section 220(e)(2) employees who are not excluded pursuant to section 220(e)(1)(B). The Board, however, is not persuaded by any of these suggestions.

First, contrary to one suggestion, the Board is neither required nor permitted ''to issue regulations specifying in greater detail the application of [Chapter 71] to the specific offices listed in section 220(e)(2).'' Section 220(e)(1) provides that the Board's ''regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of the Act.'' Section 220(e)(1) further specifically states that the Board's ''regulations shall be *the same* as substantive regulations issued by the Federal Labor Relations Authority under'' chapter 71. (Emphasis added.) While section 220(e)(1)(B) makes an ''except[ion]'' to these statutory restrictions ''to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section,'' this exception neither authorizes nor compels the requested regulations.

As the Board has explained in other rulemakings, it is not possible to clarify by regulation the application of the pertinent statutory provisions and/or the pertinent executive branch agency's regulations (here, the FLRA's regulations) while at the same time complying with the statutory requirement that the Board's regulations be ''the same as substantive regulations'' of the pertinent executive branch agency. Moreover, modification of substantive law is legally distinct from clarification of it. In this context, to conclude otherwise would improperly defeat the CAA's intention that, except where strictly necessary, employing offices in the legislative branch should live with and under the same regulatory regime—with all of its attendant burdens and uncertainties—that private employers and/or executive branch agency employers live with and under. Much as the Chairman of the House Committee on Economic and Educational Opportunities stated at the time of passage of the CAA: ''The Congress should not be allowed to escape the problems created by its own failure to draft laws properly and, perhaps, through this approach [it] will be forced to revisit and clarify existing laws which, because of a lack of clarity, are creating confusion and litigation.'' 141 Cong. Rec. H264 (Jan. 17, 1995) (remarks of Rep. Goodling).

Indeed, in the Board's judgment, adding new regulatory language of the type requested here (*e.g.*, references to job titles) would be contrary to the effective implementation of the rights and protections of the CAA. Such new regulatory language would itself have to be interpreted, would not be the subject of prior interpretations by the FLRA, and would needlessly create new ground for litigation about additional interpretive differences.

Second, the Board cannot accede to the request that it issue regulations providing that all employees of personal, committee, Leadership, General Counsel, and Employment Counsel offices are ''confidential employees,'' within the meaning of 5 U.S.C. §7103(13). As noted above, to the extent that this commenter seeks a declaratory statement that clarifies the appropriate application of 5 U.S.C. §7103(13), the board is not legally free to provide such clarifications through its statutorily limited remaking powers. Moreover, contrary to the proposal of a commenter, the Supreme Court has approved, and the NLRB and the FLRA have applied, a definition of confidential employee'' that is narrowly framed and that applies only to employees who, in the normal course of their specific job duties, properly and necessarily obtain in advance or have regular access to confidential information about management's positions concerning pending contract negotiations, the disposition of grievances, and other labor relations matters. See *NLRB* v. *Hendricks County, et al.*, 454 U.S. 170, 184 (1981); *In re Dept. Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12*, 37 F.L.R.A. 1371, 1381–1383 (1990). In fact, in both the private and public sectors, it has been held that ''bargaining unit eligibility determinations [must be based] on testimony as to an employee's actual duties at the time of the hearing rather than on duties that may exist in the future;'' ''[b]argaining unit eligibility determinations are *not* based on evidence such as written position descriptions or testimony as to what duties had been or would be performed by an employee occupying a certain position, because such evidence might not reflect the employee's actual duties.'' Id at 1377 (emphasis added). Since these rulings have not been addressed or distinguished by the commenter, the Board must conclude that the requisite ''good cause'' to modify the FLRA's regulations has not been established.

Third, the Board similarly must decline the request that it promulgate regulations: (a) excluding from bargaining units all employees of the Office of Compliance as employees ''engaged in administering the provisions of this chapter,'' within the meaning of 5 U.S.C. §7112(b)(4); and (b) excluding from bargaining units all employees of the Office of Inspector General as employees ''primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency,'' within the meaning of 5 U.S.C. §7112(b)(7). To the extent that these requests seek clarification concerning the application of existing statutory provisions, the Board is foreclosed by statute from providing such regulatory clarifications (especially for the Office of Inspector General, which does not appear to be a section 220(e)(2) office and which, in contrast to inspector general offices in the executive branch, appears primarily to audit or investigate employees of *other* employing offices, as opposed to auditing employees of its own agency). Moreover, to the extent that these requests seek to have the Board make eligibility determinations in advance of a specific unit determination and without a developed factual record, the commenters again seek a modification in the substantive law for which no ''good cause'' justification has been established.

Fourth, the Board similarly must decline the suggestion that it promulgate regulations: (a) limiting representation of employees of section 220(e)(2) offices to unions unaffiliated with noncongressional unions; (b) clarifying that a Member's legislative positions are not properly the subject of collective bargaining; (c) clarifying the ability of a Member to discharge or discipline an employee for disclosing confidential information or for taking legislative positions inconsistent with the Member's positions; and (d) authorizing section 220(e)(2) offices to forbid their employees from acting as representatives of the views of unions before Congress or from engaging in any other lobbying activity on behalf of unions. The issues raised by the suggested regulations are of significant public interest. But, to the extent that the suggested regulations are requested merely to clarify the application of existing statutory or regulatory provisions, the Board may not properly use its limited rulemaking authority to promulgate such regulatory clarifications. Moreover, there is not ''good cause'' to so ''modify'' the FLRA's regulations, as section 220(e) does not itself provide the Board with authority to modify statutory requirements such as those found in 5 U.S.C. §7112(c) (specifying limitations on whom a labor organizations may represent), 5 U.S.C. §§7703(a)(12), 7106, 7117 (specifying subjects that are not negotiable), 5 U.S.C. §7116(a) (specifying prohibited employment actions), and 5 U.S.C. §7102 (specifying scope of protected employee rights).

Finally, for similar reasons, the Board must reject the request that it place regulatory limitations and prohibitions on the proper uses of union dues. Again, the Board cannot properly use its statutorily-limited regulatory powers either to clarify what commenters find ambiguous or to codify what commenters find unambiguous. Moreover, nothing in chapter 71 (or the CAA) authorizes a labor organization and an employing office to establish a closed shop, union shop, or even an agency shop; accordingly, under chapter 71 (and the CAA), employees cannot be compelled by their employers to join unions against their free will and, concomitantly, employees can resign from union membership and cease paying dues at any time without risk to the security of their employment. In these circumstances, there is no evident basis—legal or factual—for the Board to seek to regulate the proper uses of voluntarily-paid union dues.

In sum, the proposed modifications of the FLRA's regulations are not a proper exercise of the Board's section 220(e) and section 304 rulemaking powers. Accordingly, the Board may not adopt them.

B. Section 220(e)(1)(B) Exclusions

Section 220(e)(1)(B) provides that, in devising its regulations, the Board ''shall exclude from coverage under [section 220] any covered employees [in section 220(e)(2) offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities.''

Accordingly, the Board has, with the assistance of the Office's Executive Director and two Deputy Executive Directors, carefully examined the comments received, other publicly available materials about the workforces of the section 220(e)(2) offices, and the likely constitutional, ethical, and labor law issues that could arise from application of chapter 71 to these workforces. The Board has also carefully examined the adequacy of the requirements and exemptions of chapter 71 and section 220(d) of the CAA for: (a) addressing any actual or reasonably perceived conflicts of interests that may arise in the context of collective organization of employees of section 220(e)(2) offices; and (b) accommodating Congress' constitutional responsibilities. Having done so, on the present rulemaking record the Board concludes that additional exclusions from coverage beyond those contained in chapter 71 and section 220(d) are not required by either Congress' constitutional responsibilities or a real or apparent conflict of interest; and the Board now further concludes that an additional regulation specifically authorizing consideration of these issues in any particular case is unnecessary in light of the authority available to the Board under chapter 71's implementing provisions and precedents and the Board's regulations under section 220(d).

1. Additional exclusions from coverage are justified under section 220(1)(B) only where necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict or interest

In the preamble to its NPR, the Board expressed its view that additional exclusions of employees from coverage are justified under section 220(e)(1)(B) only where *necessary* to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict or interest. Although several commenters have objected to the Board's construction of the statute, the Board is not persuaded by these objections.

First, the Board finds no basis for the suggestion that ''Board has been instructed by the statute to exclude *offices* from coverage based on any of the specified'' statutory criteria. (Emphasis added.) What is mandated is an inquiry by the Board concerning whether exclusion of an employee is justified by the statutory criteria; specifically, an exclusion of a covered employee is mandated only ''*if*[as a result of the Board's inquiry] the Board determines such exclusion is required.'' (Emphasis added). Thus, the exclusion provision is only conditional, and the exclusion inquiry is to be addressed on an employee-by-employee basis, not on an office-by-office basis, as the commenter erroneously suggests.

Second, contrary to another commenter's suggestion, the statutory language does not require exclusion of employees where such exclusions would merely be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The statutory language cannot properly be read in this fashion.

The statute expressly states that an exclusion of an employee is appropriate only ''if the Board determines that such exclusion is *required* because of'' the stated-statutory criteria. (Emphasis added.) The term ''[r]equired implies something mandatory, not something permitted . . . .'' *Mississippi River Fuel Corporation* v. *Slayton*, 359 F.2d 106, 119 (8th Cir. 1966) (Blackburn, J.). Moreover, while the term ''required'' is capable of different usages, the usage equating with ''necessity'' or ''indispensability'' is the most common one. See Webster's Third New International Dictionary 1929 (1986). And, as part of an ''except[ion]'' to a statutory requirement that the Board's regulations be ''the same'' as the FLRA's regulations and be consistent with the ''provisions and purposes'' of chapter 71 to the ''greatest extent practicable,'' it is highly unlikely that Congress would mandate ''exclusion from coverage''—with loss of not only organization rights, but also rights against discipline or discharge because of engagement in otherwise protected activities—when less restrictive alternatives (e.g., exclusion from a bargaining unit; limitation on the union that may represent the employee) would adequately safeguard Congress' constitutional responsibilities and resolve any real or apparent conflicts of interest.

In these circumstances, the term ''required'' cannot properly be read to require additional exclusions from coverage merely because they would be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. Such an interpretation would not be, ''to the greatest extent practicable,'' ''consistent with the provisions and purposes of chapter 71,'' as section 220(e) requires. Moreover, such an interpretation would be contrary to the CAA's promise that, except where strictly necessary, Congress will be subject to the same employment laws to which the private sector and the executive branch are subject. Indeed, contrary to the CAA's purpose, such an interpretation would rob Members of direct experience with traditional labor laws such as chapter 71, and leave them without the first-hand observations that would help them decide whether and to what extent labor law reform is needed and appropriate.

Third, for these reasons, the Board also rejects one commenter's suggestion that the omission of a ''good cause'' requirement from section 220(e)(1)(B) suggests that a lesser standard for exclusion from coverage was intended. The omission of a ''good cause'' requirement in section 220(e)(1)(B) is more naturally explained: The term ''required'' sets the statutory standard in section 220(e)(1)(B), and the ''good cause'' standard is simply not needed.

Finally, contrary to the objections, the legislative history does not support the commenters' view that additional exclusions from coverage are mandated even if not strictly necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. It appears that, at one point in the preceding Congress, some Members expressed: ''concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities. S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994).''

But the legislative sponsors did not respond to these concerns by excluding all legislative staff from coverage or by requiring exclusion of any section 220(e)(2) office's employees wherever it would be ''suitable'' or ''appropriate.''

Rather, the legislative sponsors responded by applying chapter 71 (rather than the NLRA) to the legislative branch. Senators John Glenn and Charles Grassley urged this course on the ground that chapter 71 ''includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.'' Id. at 8; 141 cong. rec. S444–45 (daily ed., Jan. 5, 1995) (statement of Sen. Grassley).

To be sure, the legislative sponsors further provided that, ''as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the Board has conducted a special rulemaking to consider such problems as conflict of interest.'' Id. However, the legislative sponsors made clear that an appropriate solution to a real or apparent conflict of interest would include, for example, precluding certain classes of employees ''from being represented by unions affiliated with noncongressional or non-Federal unions.'' Contrary to the commenter's argument, exclusion of section 220(e)(2) office employees

from coverage was not viewed as inevitably required, even where a conflict of interest is found to exist. 141 Cong. Rec. S626 (daily ed., Jan. 9, 1995). Moreover, the legislative sponsors expressly stated that the rulemaking so authorized ''is not a standardless license to roam far afield from such executive branch regulations. The Board cannot determine unilaterally that an insupportably broad view of Congress' constitutional responsibilities means that no unions of any kind can work in Congress.'' Id. That, of course, would be precisely the result of the commenters' proposed standard.

2. No additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest

The question for the Board, then, is whether, on the present rulemaking record, the additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The Board concludes that no such additional exclusions from coverage are required.

a. No additional exclusion from coverage is necessitated by Congress' constitutional responsibilities

The CAA does not expressly define the ''constitutional responsibilities'' with which section 220(e)(1)(B) is concerned. But, as one commenter has suggested, it may safely be presumed that this statutory phrase encompasses at least the responsibility to exercise the legislative authority of the United States; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachment. Even so defined, however, the Board has no factual or legal basis for concluding that any additional employees of the section 220(e)(2) offices must be excluded from coverage in order for Congress to be able to carry out these constitutional responsibilities or any others assigned to Congress by the Constitution.

Chapter 71 was itself ''designed to meet the special requirements and needs of the Government.'' 5 U.S.C. §7101(b). Thus, chapter 71 authorizes the exclusion of any agency or subdivision thereof where necessary to the ''national security,'' and completely excludes from coverage aliens and noncitizens who occupy positions outside of the United States, members of the uniformed services, and ''supervisors'' and ''management officials.'' Id. at §§7103(a)(2), 7103(b). In addition, chapter 71 requires that bargaining units not include ''confidential'' employees, employees ''engaged in personnel work,'' employees ''engaged in administering'' chapter 71, both ''professional employees and other employees,'' employees whose work ''directly affects national security,'' and employees ''primarily engaged in investigation or audit functions relating to the work of individuals'' whose duties ''affect the internal security of the agency.'' Id. at §7112(b). Likewise, chapter 71 provides that a labor organization that represents (or is affiliated with a union that represents) employees to whom ''any provision of law relating to labor-management relations'' applies may not represent any employee who administers any such provision of law; and, chapter 71 prohibits according exclusive recognition to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' id. at §§7112(c), 7111(f), and precludes an employee from acting in the management of (or as a representative for) a labor organization where doing so would ''result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.'' Id. at §7120(e). Furthermore, chapter 71 broadly preserves ''Management rights,'' limits collective bargaining to ''conditions of employment,'' and, in that regard, among other things, specifically excludes matters that ''are specifically provided for by Federal statute.'' Id. at 7106, 7103(12)(a), (14). Finally, chapter 71 makes it unlawful for employees and their labor organizations to engage in strikes, slowdowns, or picketing that interferes with the work of the agency. Id. at 7116(b)(7).

Just as the provisions and precedents of chapter 71 are sufficient to allow the Executive Branch to carry out its constitutional responsibilities, the provisions and precedents of chapter 71 are fully sufficient to allow the Legislative Branch to carry out its constitutional responsibilities. Congress is, of course, a constitutionally separate branch of government with distinct functions and responsibilities. But, by completely excluding ''supervisors'' and ''management officials'' from coverage, and by preserving ''Management rights,'' chapter 71 ensures that Congress is not limited in the exercise of its constitutional powers. Furthermore, by denying ''exclusive recognition'' to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' chapter 71 ensures that labor organizations will not become a foothold for those who might seek to undermine or overthrow our nation's republican form of government. In addition, by outlawing strikes and other work stoppages, chapter 71 ensures that employee rights to collective organization and bargaining may not be used improperly to interfere with Congress' lawmaking and other functions. Indeed, by specifying that its provisions ''should be interpreted in a manner consistent with the requirement of an effective and efficient Government,'' 5 U.S.C. §7101(b), chapter 71 makes certain that its provisions will expand and contract to accommodate the legitimate needs of Government, which no doubt in this context include the fulfillment of Congress' constitutional responsibilities.

The Board cannot legally accept the suggestion of some commenters that collective organization and bargaining rights for section 220(e)(2) office employees are ''inherently inconsistent'' with the conduct of Congress' constitutional responsibilities. These commenters' position may be understood in political and administrative terms. But, under the CAA, such a claim must legally be viewed with great skepticism, for the CAA adopts the premise of our nation's Founders, as reflected in the Federalist papers and other contemporary writings, that government works better and is more responsible when it is accountable to the same laws as are the people and is not above those laws. Such interpretive skepticism is particularly warranted in this context, for the claim that collective bargaining and organization rights for section 220(e)(2) office employees are ''inherently inconsistent'' with Congress' constitutional responsibilities is in considerable tension with the CAA's express requirement that the Board examine the exclusion issue on an employee-by-employee basis. Indeed, section 220(e) of the CAA expressly requires the Board to accept, ''to the greatest extent practicable,'' the findings of Congress in chapter 71 that ''statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—(A) safeguards the public interest, (B) contributes to the effective conduct of public business, and (C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment.'' 5 U.S.C. §7101(a). The statutory instruction to honor these findings to ''the greatest extent practicable'' is directly at odds with the commenters' ''inherent inconsistency'' argument.

Moreover, contrary to the commenters' suggestion, neither the allegedly close working relationships between the principles of section 220(e)(2) offices and their staffs nor the allegedly close physical quarters in which section 220(e)(2) office employees work can legally justify the additional exclusions from coverage that the commenters seek. Chapter 71 already excludes from coverage all ''management officials'' and ''supervisors''—i.e., those employees who are in positions ''to formulate, determine, or influence the policies of the agency,'' and those employees who have the authority to hire, fire, and direct the work of the office. Moreover, chapter 71 excludes from bargaining units ''confidential employees,'' ''employees engaged in personnel work,'' and various other categories of employees who, by the nature of their job duties, might actually have or might reasonably be perceived as having irreconcilably divided loyalties and interests if they were to organize. Beyond these carefully crafted exclusions, however, chapter 71 rejects both the notion that ''unionized employees would be more disposed than unrepresented employees to breach their obligation of confidentiality,'' and the notion that representation by a labor organization or ''membership in a labor organization is in itself incompatible with the obligations of fidelity owed to an employer by its employee.'' *In re Dept. of Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12*, 37 F.L.R.A. at 1380 (citations omitted; internal quotations omitted), Rather at the Supreme Court recently reiterated, the law in the private and public sectors requires that acts of disloyality or misuse of confidential information be dealt with by the employer through, e.g., non-discriminatory work rules, discharge and/or discipline. See *NLRB* v. *Town & Country Electric, Inc.*, 116 S. Ct. 450, 457 (1995). These rulings are especially applicable and appropriate in the context of politically appointed employees in political offices of the Legislative Branch, since such employees generally are likely to be uniquely loyal and faithful to their employing offices.

In this same vein, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are justified by reference to Members' understandable interest in hiring and firing on the basis of ''political compatibility.'' While a long and forceful tradition in this country, hiring and firing on the basis of ''political compatibility'' is not a constitutional right, much less a constitutional responsibility, of the Congress or its Members. Moreover, while section 502 of the CAA provides that it ''shall not be a violation of any provision of section 201 to consider the . . . political compatibility with the employing office of an employee, ''2 U.S.C. §1432, section 502 noticeably omits section 220 from its reach. Thus, the Board has no legal basis for construing section 220(e)(1)(B) to require additional exclusions from coverage in order to protect the interest of Members in ensuring the ''political compatibility'' of section 220(e)(2) office employees.

Furthermore, the Board cannot legally accept the suggestion that exclusion of all employees in personal, committee, leadership or legislative support offices is justified to prevent labor organizations from obtaining undue influence over Members' legislative activities. The issue of organized labor's influence on the nation's political and legislative processes is one of substantial public interest. But commenters have not explained

how organized labor's effort to advance its political and legislative agenda legally may be found to constitute an interference with Congress' constitutional responsibilities. Moreover, chapter 71 only authorizes a labor organization to compel a meeting concerning employees' ''conditions of employment'' that are not specifically provided for by Federal statute. Thus, a labor organization may not lawfully use chapter 71 either to demand a meeting about a Member's legislative positions or to seek to negotiate with the Member about those legislative positions.

Finally, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are necessary to ensure that Members are neither inhibited in nor distracted from the performance of their constitutional duties. The Board does not doubt that, if employees choose to organize, compliance with section 220 may impose substantial administrative burdens on Members (just as compliance with the other laws made applicable by the CAA surely does). Such administrative burdens might have been a ground for Congress to elect in the CAA to exempt Members and their immediate offices from the scope of section 220 (just as the Executive Office of the President is exempt from chapter 71 and from many of the other employment laws incorporated in the CAA). But Congress did not do so. Instead, Congress imposed section 220 on all employing offices and provided an ''except[ion]'' for employees of section 220(e)(2) offices only where exclusion from coverage is required by Congress' constitutional responsibilities (or a real or apparent conflict of interest). The Board cannot now lawfully find that the administrative burdens of compliance with section 220 are the constitutional grounds that justify the additional exclusion from coverage of any section 220(e)(2) office employees; on the contrary, the Board is bound to apply the CAA's premise that Members of Congress will better and more responsibly carry out their constitutional responsibilities if they are in fact subject to the same administrative burdens as the laws impose upon our nation's people.

b. No additional exclusion is necessitated by any real or apparent conflict of interest

Nor can the Board lawfully find on this rulemaking record that additional exclusions from coverage of employees of section 220(e)(2) offices are required by a real or apparent conflict of interest. Since the phrase ''conflict of interest or appearance of conflict of interest'' is not defined in the CAA, it must be construed ''in accordance with its ordinary and natural meaning.'' *FDIC* v. *Meyer*, 114 S.Ct. 996, 1001 (1994). The ''ordinary and natural meaning'' of ''conflict of interest or appearance of conflict of interest'' is a real or reasonably apparent improper or unethical ''conflict between the private interest and the official responsibilities of a person in a position of trust (such as a government official).'' Webster's Ninth New Collegiate Dictionary 276 (1990). *Accord*, Black's Law Dictionary 271 (5th ed. 1979). Specifically, as Senate and House ethics rules make clear, under Federal law the phrase ''conflict of interest or appearance of conflict of interest'' refers to ''a situation in which an official's conduct of his office conflicts with his private economic affairs.'' House Ethics Manual 87 (1992); Senate Rule XXXVII. After thorough examination of the matter, the Board has found no tenable legal basis for concluding that additional exclusions from coverage of any employees of section 220(e)(2) offices are necessary to address any real or reasonably perceived incompatibility between employees' private financial interests and their public job responsibilities.

As noted above, by excluding ''management officials'' and ''supervisors'' from coverage, and by requiring that bargaining units not include ''confidential employees'' and ''employees engaged in personal work,'' chapter 71 already categorically resolves the real or apparent conflicts of interest that may be faced by employees whose jobs involve setting, administering or representing their employer in connection with labor-management policy or practices. Similarly, by require that bargaining units not include employees ''engaged in administering'' chapter 71, chapter 71 already resolves real or apparent conflicts of interest that might arise for employees of, for example, the Office of Compliance. Furthermore, by precluding an employee from acting in the management of (or as a representative for) a labor organization, where doing so would ''result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee,'' chapter 71 already directly precludes an employee from assuming a position with the union (or from acting on behalf of the union) where he or she could confer a personal economic benefit on him or herself. And, as an added precaution, the Board has adopted a regulation under section 220(d) that authorizes adjustment of the substantive requirements of section 220 where ''necessary to avoid a conflict of interest or appearance of conflict of interest.'' Therefore, all conceivable real and apparent conflicts of interests are resolvable without the need for additional exclusions from coverage.

The Board finds legally untenable the suggestion of several commenters that, by directing the Board to consider these real or apparent conflict of interest issues in its rulemaking process, section 220(e)(1)(B) entirely displaces and supersedes the conflict of interest provisions and precedents of chapter 71 and section 220(d) where employees of section 220(e)(2) offices are concerned. Section 220(e) specifically provides that the Board's regulations for section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71'' and ''shall be the same as substantive regulations issued by'' the FLRA. As pertinent here, it makes an ''except[ion]'' only ''if the Board determines that * * * exclusion [of a section 220(e)(2) office employee] is required because of * * * a conflict of interest or appearance of a conflict interest.'' This conditional exception—applicable only ''if'' the Board determines that an exclusion from coverage is ''required'' by a real or apparent conflict of interest—plainly does not displace or supersede the provisions and precedents of chapter 71 and section 220(d) that section 220(e) expressly applies to section 220(e)(2) offices. Indeed, as the statutory language and legislative history discussed above confirm, section 220(e)(1)(B) requires this rulemaking merely as a ''special precaution'' to ensure that chapter 71 and section 220(d) appropriately and adequately deal with conflict of interest issues in this context.

The Board similarly cannot legally accept the suggestion that exclusion of employees in personal, committee, leadership and party caucus offices is necessary to address ''the most important legislative conflict of interest issue—the appearance or reality of influencing legislation.'' While understandable in political terms, this suggestion has no foundation in the law which the Board is bound to apply.

To begin with, the Board has no basis for concluding that the provisions and precedents of chapter 71 and section 220(d) are inadequate to resolve any such conflict of interest issues. Although commenters correctly point out that the Executive Office of the President is not covered by Chapter 71, they provide no evidence that this exclusion resulted from conflict of interest concerns. Moreover, though commenters suggest that employees of the Executive Branch engage in only administrative functions, the Executive Branch in fact has substantial political functions relating to the legislative process—including, e.g. recommending bills for consideration, providing Congress with information about the state of the Union, and vetoing bills that pass the Congress over the President's objection. Furthermore, almost every executive agency covered by chapter 71 has legislative offices with both appointed and career employees who, like section 220(e)(2) office employees, are responsible for meeting with special interest groups, evaluating and developing potential legislation, and making recommendations to their employees about whether to sponsor, support or oppose that or other legislation. Chapter 71 does not exclude from its coverage Executive Branch employees performing such policy and legislation-related functions (much less the secretaries and clerical personnel in their offices); and, contrary to one commenter's suggestion, chapter 71 does not exclude from its coverage schedule ''C'' employees who are outside of the civil service and who are appointed to perform policy-related functions and to work closely with the heads of Executive Branch departments. See *U.S. Dept of HUD and AFGE Local 476*, 41 F.L.R.A. 1226, 1236–37 (1991). Since the Board has no evidence that the conflict of interest issues for section 220(e)(2) office employees materially differ from the conflict of interest issues that these Executive Branch employee face, the Board has no proper basis for finding that additional section 220(e)(2) office employees must be excluded from coverage simply because they too are outside of the civil service and perform legislative-related functions.

Second, the Board is not persuaded that the concern expressed by the commenters—i.e. that labor organizations will attempt to influence the legislative activities of employees who they are seeking to organize and represent—even constitutes a ''conflict of interest or appearance of conflict of interest'' within the meaning of that statutory term. As noted above, under both common usage and House and Senate ethics rules (as well as under federal civil service rules and other federal laws), the statutory phrase ''conflict of interest of appearance of conflict of interest'' refers to a situation in which an official's conduct of his office actually or reasonably appears unethically to provide him or her with a private economic benefit. While the Board understands that accepting gifts from labor organizations might actually or apparently constitute receipt of such an improper pecuniary benefit, the board fails to see how working with labor organizations concerning their legislative interests confers or appears to confer any improper private economic benefit or legislative branch employees—just as the board does not see how working on legislative matters with other interest groups to which the employee might belong (such as the American Tax Reduction Movement, the Sierra Club, the National Rifle Association, the National Right to Work Foundation, the NAACP, and/or the National Organization or Women) would do so. On the contrary, it is the employees' job to meet with special interest groups of this type, to communicate the preferences and demands of these special interest groups to the Members or communities for which they work, and, where allowed or instructed to do so, to assist or oppose these special interest groups in pursuing their legislative interests.

It is true, as one commenter notes, that, in contrast to other interest groups, a labor organization could, in addition, to its legislative activities, seek to negotiate with an employing office about the employees' ''condition of employment.'' But each of the employees would have to negotiate individually with the employing office if the union did not do so collectively for them. Moreover, since those who negotiate for the employing office and decide whether or not to provide or modify any such ''conditions of employment'' may by law not be part of the unit that the union represents, section 220(e)(2) office employees could not through the collective negotiations of their ''conditions of employment'' unethically provide themselves or appear to provide themselves with an improper pecuniary benefit for the way that they perform their official duties for the employing office. Thus, collective organization of section 220(e)(2) office employees would not create a real or apparent conflict of interest—just as it does not for appointed and career employees in the Executive Branch who perform comparable policy or legislative-related functions.

To be sure, because of an employee's sympathy with or support for the union (or any other interest group), the employee could urge the Member or office for which he or she works to take a course that is not in that employer's ultimate best political or legislative interest. Indeed, it is even conceivable that, because of the employee's sympathy with or support for a particular interest group such as organized labor, the employee could act disloyally and purposefully betray the Member's or the employing office's interests. But employees could have such misguided sympathies, provide such inadequate support, and/or act disloyally whether or not they are members of or represented by a union. Thus, just as was true in the context of Congress' constitutional responsibilities (and as is true for Executive Branch employees), the legally relevant issues in such circumstances are ones of acceptable job performance and appropriate bargaining units, work rules, and discipline—not issues of real or apparent conflicts of interest. See *NLRB* v. *Town and Country Electric, Inc.*, 116 S. Ct. at 456–57.

It is also true that organized labor has a particular interest in legislative issues relating to employment and that, if enacted, some of the resulting laws could work to the personal economic benefit of employees in section 220(e)(2) offices and, indeed, sometimes even to the economic benefit of Members (e.g., federal pay statutes). But whenever Members or their staffs work on legislation there is reason for concern that they will seek to promote causes that will personally benefit themselves or groups to which they belong—whether it be with respect to e.g. their income tax rates, their statutory pay and benefits, the grounds upon which they can be denied consumer credit, or the ease with which they can obtain air transportation to their home states. These concerns, however, will arise whether or not employees in section 220(e)(2) offices are allowed to organize and bargain collectively concerning their ''conditions of employment,'' and cannot conceivably ''require'' the exclusion of additional section 220(e)(2) office employees from coverage under section 220. As a Bipartisan Task Force on Ethics has so well stated: ''A conflict of interest is generally defined as a situation in which an official's private financial interests conflict or appear to conflict with the public interest. Some conflicts or interest are inherent in a representative system of government, and are not in themselves necessarily improper or unethical. Members of Congress frequently maintain economic interests that merge or correspond with the interests of their constituents. This community of interests is in the nature of representative government, and is therefore inevitable and unavoidable. House Bipartisan Task Force on Ethics, Report on H.R. 3660, 101st Cong., 1st Sess. 22 (Comm. Print, Comm. on Rules 1989), reprinted in 135 Cong. Rec. H9253, H9259 (daily ed. Nov. 21, 1989).

The Board does not mean to suggest that the public does not have a legitimate interest in knowing about the efforts that interest groups (such as organized labor) make to influence Members and their legislative staffs or the financial benefits that Members and their legislative staffs receive. But, as the recently enacted Lobbying Disclosure Act evidences, and as the Bipartisan Task Force on Ethics long ago concluded, lobbying contact disclosure and ''public financial disclosure, coupled with the discipline of the electoral process, remain[s] the best safeguard[s] and the most appropriate method[s] to deter and monitor potential conflicts of interest in the legislative branch.'' House Bipartisan Task Force on Ethics, 135 Cong. Rec. at H9259.

For these reasons, the Board also declines to adopt the suggestion that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict or interest,'' all employees of section 220(e)(2) offices who are shown in an appropriate case to be ''exempt'' employees within the meaning of the Fair Labor Standards Act (''FLSA''). This suggestion would improperly allow unions and/or the General Counsel to challenge an employing office's compliance with section 203 of the CAA in the context of a section 220 proceeding. Moreover, under both private sector law and chapter 71, employees are not uniformly excluded from coverage by virtue of their ''exempt'' status, even though such employees may exercise considerable discretion and independent judgment in performing their duties, serve in sensitive positions requiring unquestionable loyalty to their employers, and/or have access to privileged information. Thus, doctors who are responsible for the counseling and care of millions of ill person are allowed to organize; engineers who are responsible for ensuring the safety of nuclear power plants are allowed to organize; lawyers who are responsible for providing privileged advice and for prosecuting actions on behalf of the Government (such as attorneys at the Department of Labor and at the NLRB) are allowed to organize; and schedule ''C'' employees who are outside of the civil service, work closely with the heads of Executive Branch departments, and assist in the formulation of Executive Branch policy are not excluded from coverage under chapter 71. Nothing about those employees' ''exempt'' status itself establishes a real or apparent incompatibility between an employee's conduct of his office and his private economic affairs. No tenable legal basis has been offered for reaching a different conclusion about the ''exempt'' employees of section 220(e)(2) offices.

For similar reasons, the Board declines to adopt the suggestion that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict of interest,'' all employees in section 220(e)(2) offices who hold particular job titles—e.g., Administrative Assistants, Staff Directors, and Legislative Directors. The Board has no doubt that many section 220(e)(2) office employees in such job classifications will, because of the actual duties that these employees perform, be excluded from coverage as ''management officials'' or ''supervisors.'' And the Board similarly has no doubt that many section 220(e)(2) office employees in these or other job classifications will, because of the actual duties that these employees perform, be excluded from particular bargaining units as ''confidential employees,'' ''employees engaged in personnel work,'' ''professional employees,'' etc. But, as decades of experience in myriad areas of employment law have taught, these legal judgments must turn on the actual job duties that the employees individually perform, and not on their job titles or job classifications. It is the actual job duties of the employees that dictate whether the concern of the particular law in issue is actually implicated (*e.g.*, whether there is a real or apparent conflict of interest); and the use of job titles in a regulation would unwisely have legal conclusions turn on formalisms that are easily subject to manipulation and error (*e.g.*,different employing offices may assign the same job title or job classification to employees who perform quite distinct job responsibilities and functions).

In sum, in the six month period during which the job titles and job classifications applicable to section 220(e)(2) office employees have been thoroughly investigated and studied by the Board, neither the statutory appointees nor the Board—or, for that matter, any commenter—has identified any job duty or job function that, in the context of collective organization, would categorically create a real or apparent conflict of interest that is not adequately addressed by the provisions and precedents of chapter 71 and the Board's section 220(d) regulations. Accordingly, on this record, the Board has no legal basis for excluding any additional section 220(e)(2) office employees from coverage by regulation; and, for the reasons here stated, it would be contrary to the effective implementation of the CAA for the Board to reframe existing regulatory exclusions in terms of the job titles or job classifications presently used by certain section 220(e)(2) offices.

3. Final regulations under section 220(e)(1)(B)

For these reasons, the Board will not exclude any additional section 220(e)(2) office employees from coverage in its final section 220(e) regulations. Moreover, the Board will not adopt a regulation that specially authorized consideration of these exclusion issues in any particular case. Although the Board proposed to do so in its NPR (as a precautionary measure to ensure that employing offices were not prejudiced by the paucity of comments provided in response to the ANPR), commenters have vigorously objected to any such regulation. Having carefully considered this matter and determined both that no exclusions are required on this rulemaking record and that all foreseeable constitutional responsibility and conflict of interest issues may be appropriately accommodated under section 220(d) and chapter 71, the Board now concludes that no such regulation is necessary.

We now turn to the partial dissent. With all due respect to our colleagues, we strongly disagree that the CAA envisions a different rulemaking process for the Board's section 220(e)(1)(B) inquiry than the one that the Board has followed in this rulemaking and in all of its other substantive rulemakings. The section 220(e)(1)(B) inquiry is unique only in terms of the substantive criteria which the statute directs the Board to apply and the effective date of its provisions. In terms of the Board's process, section 220(e) expressly requires—just as the other substantive sections of the CAA expressly require—the Board to adopt its implementing regulations ''pursuant to section 304'' of the CAA, 2 U.S.C. §1351(e), which in turn requires that the Board conduct its rulemakings ''in accordance with the principles and procedures set forth'' in the APA. 2 U.S.C. §1384(b). The partial dissent's arguments that a different

and distinct process is required under section 220(e)(1)(B) is at odds with these express statutory requirements.

Nor is there any basis for the partial dissent's charge that the Board's section 220(e)(1)(B) inquiry was ''passive,'' ''constrained solely by written submissions,'' and undertaken without ''sufficient knowledge of Congressional staff functions, responsibilities and relationships. . . .'' In the ANPR and the NPR, the Board afforded all interested parties two opportunities to address these issues. The Board carefully considered the comments received from employing offices and their administrative aids—i.e., those who are most knowledgeable about the job duties and functions of congressional staff and who should have had the most interest in informing the Board about the relevant issues in this rulemaking. Moreover, over the past six months, the Board has received extensive recommendations from the Executive Director and the Deputy Executive Directors of the House and Senate—recommendations that were based upon the statutory appointees' own legislative branch experiences, their substantial knowledge of these laws, their appropriate discussions with involved parties and those knowledgeable about job duties and responsibilities in section 220(e)(2) offices, and their own independent investigation of the pertinent factual and legal issues. In addition, the General Counsel has provided interested Board members with extensive legal advice about these issues. Indeed, during the past six months, members of the Board were able to review vast quantities of publicly available materials that, among other things, describe in detail the job functions, job responsibilities, and office work requirements and restrictions for employees of the section 220(e)(2) offices. The claim of the partial dissent that this material still needs to be found is thus completely mystifying to the Board; and, since neither the dissenters nor the commenters have pointed to any other information that would be of assistance in deciding the section 220(e)(1)(B) issues, it seems clear that the dissenting members' objection is not with the sufficiency of the information available to themselves or to the Board, but rather is with the result that the Board has reached.

In advocating a different result about the appropriateness of additional exclusions from coverage, however, the partial dissent simply ignores the statutory language and legislative history of section 220 of the CAA. For all of its repeated exhortations about the need to implement the will of Congress, the partial dissent does not identify the constitutional responsibilities or conflicts of interests that supposedly require the additional exclusions from coverage that the dissenters raise for consideration. Indeed, the partial dissent does not even conclude which of its various suggested possible exclusions from coverage are ''required'' by section 220(e)(1)(B) or why.

The partial dissent's critique of the Board's analysis is similarly bereft of legal authority. While criticizing the Board for relying on precedents under chapter 71, the partial dissent ignores section 220(e)'s express command that the Board's implementing regulations under section 220(e)(1)(B) be consistent ''to the greatest extent practicable'' with the ''provisions and purposes'' of chapter 71. Moreover, while noting that legislative branch employees of state governments have not been granted the legal right to organize, the partial dissent fails to acknowledge that this gap in state law coverage results from state laws having generally been modelled after federal sector law (which, until the CAA's enactment, did not cover congressional employees); and, in all events, the partial dissent fails to acknowledge that section 220 itself rejects this state law experience by covering without qualification non-section 220(e)(2) office employees and by allowing exclusion of section 220(e)(2) office employees only *if* required by the stated statutory criteria. Finally, while asserting that employees in the section 220(e)(2) offices perform functions that are not comparable to functions employed by any covered employees in the Executive Branch, the partial dissent never specifically identifies these supposedly unique job duties and functions and, even more importantly, never explains why the provisions of chapter 71 and section 220(d) are inadequate to address constitutional responsibility or conflict of interest issues arising from them. In short, with all respect, the partial dissent does not provide any acceptable legal basis for concluding that additional regulatory exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues.

The partial dissent similarly errs in suggesting that the Board has ''apparent reluctance or disdain'' for regulatory resolutions and instead prefers adjudicative resolutions. Like our dissenting colleagues, the Board applauds the NLRB's innovative effort—undertaken under the leadership of then-NLRB Chairman Jim Stephens, who is now Deputy Executive Director for the House—to use rulemaking to address certain bargaining unit issues that have arisen in the health care industry. But the issue here is not whether the NLRB should be praised for having done so or, for that matter, whether regulatory resolutions are generally or even sometimes superior to adjudicative resolutions in that or other contexts. Nor is the issue whether Congress has stated a preference for regulatory resolutions in the CAA. Rather, the issue here is whether additional exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues that may arise in connection with collective organization of section 220(e)(2) office employees. For the reasons earlier stated, the Board has concluded that no such additional exclusions from coverage are required to do so. Thus, to the extent that any constitutional responsibility or conflict of interest issue is left to be resolved adjudicatively, it is only because, where complete exclusion from coverage is not required, the CAA instructs the Board to follow chapter 71's preference for addressing matters of this type in the context of a particular case, and because any constitutional responsibility or conflict of interest issue may be satisfactorily addressed by approaches that are less restrictive than complete exclusion from coverage of section 220(e)(2) office employees. The Board regrets that the partial dissent confuses the Board's respect for the commands of the CAA with a ''disdain'' for rulemaking that the Board does not have.

With all respect to our colleagues, the partial dissent's own lack of attention to the commands of the CAA is strikingly revealed by its discussion of the uncertainty and delay that allegedly will result from not resolving all constitutional responsibility and conflict of interest issues through additional exclusions from coverage. Regulatory uncertainty and delay should be reduced where legally possible and appropriate. But inclusion of the constitutional responsibility and conflict of interest issues in the mix of issues that inevitably must be addressed in a unit determination will not have the unique practical significance that the dissent claims, since employment in the legislative branch is in fact not substantially more transient than is employment in many parts of the private and federal sectors (e.g., construction, retail sales, canneries in Alaska), since private and Executive Branch employers also work under ''time pressures'' that ''are intense and uneven,'' and since the Board has designed its section 220(d) procedures to deal with all unit determination issues as promptly as or more promptly than comparable issues are dealt with in the private and federal sectors. And, in all events, it is clear that administrative burdens of the type discussed by the partial dissent cannot legally justify additional exclusions from coverage, because these administrative burdens legally have nothing to do with the constitutional responsibility and conflict of interests inquiries to which the Board is limited under the statute; indeed, as noted above, the premise of the CAA is that Congress will better exercise its constitutional responsibilities if it is subject to the same kinds of administrative burdens as private sector and Executive Branch employers are subject to under these laws.

The Board appreciates its dissenting colleagues' concern that, if employees of section 220(e)(2) offices should choose to organize, elected officials in Congress may have to negotiate about their employees' conditions of employment'' with political friends or foes. But the Board cannot agree that these political concerns require or allow the additional possible exclusions from coverage that are mentioned in the partial dissent. Such political concerns do not legally establish an interference with Congress' constitutional responsibilities or a real or apparent conflict of interest; and the CAA by its express terms only allows additional exclusions from coverage that are required by such constitutional responsibilities or conflicts of interest. If the CAA is to achieve its objectives and the Board is to fulfill its responsibilities, the Board must adhere to the terms of the law that the Congress enacted and that the President signed; the Board may not properly relax the law so as to address non-statutory concerns of this type.

C. Section 220(e)(2)(H) Offices

Section 220(e)(2)(H) of the CAA authorizes the Board to issue regulations identifying ''other offices that perform comparable functions'' to those employing offices specifically listed in paragraphs (A) through (G) of section 220. In response to a comment on the ANPR, the Board proposed in the NPR to so identify four offices—the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms of the Senate. No comments were received regarding this proposal, and the final regulation will specifically identify these offices, pursuant to section 220(e)(2)(H), as section 220(e)(2) offices.

In response to comments received by the Board, the final regulation will also identify and include the following employing offices in the House of Representatives as performing ''comparable functions'' to those offices specified in section 220(e)(2) of the CAA: the House Majority Whip; the House Minority Whip; the Office of House Employment Counsel; the Immediate Office of the Clerk; the Office of Legislative Computer Systems; the Immediate Office of the Chief Administrative Officer; the Immediate Office of the Sergeant at Arms; and the Office of Finance.

As explained by one of the commenters, these offices have responsibilities and perform functions that are commensurate with those offices specifically listed in section 220(e)(2) or those offices identified in the proposed regulations. Thus, the duties and functions of the House Majority and Minority Whips are similar to the Offices of the Chief Deputy Majority Whips and the Offices of the Chief Deputy Minority Whips, which are expressly included in section 220(e)(2)(D). The

Office of House Employment Counsel was created, following the enactment of the CAA, to provide legal advice and representation to House employing offices on labor and employment matters; this office performs functions similar to those of the Office of the House General Counsel, which is included in section 220(e)(2)(E), and those of the Senate Chief Counsel for Employment, which is identified in section 220(e)(2)(C).

Similarly, the Immediate Office of the Clerk of the House performs functions parallel to those performed by the Executive Office of the Secretary of the Senate, which is treated as a section 220(e)(2) office under these final regulations. Both offices are responsible for supervising activities that have a direct connection to the legislative process. Likewise, the Immediate Office of the House Sergeant at Arms has duties that correspond to those of the Administrative Office of the Senate Sergeant at Arms. Both offices are charged with maintaining security and decorum in each legislative chamber.

The House Office of Legislative Computer Systems runs the electronic voting system and handles the electronic transcription of official hearings and of various legislative documents; these functions are similar to those functions performed by the Office of Legislative Operations and Official Reporters, both of which are listed in section 220(e)(2)(D).

The Immediate Office of the Chief Administrative Officer has responsibilities and performs functions that are comparable to those performed by the Executive Office of the Secretary of the Senate and the Administrative Office of the Senate Sergeant at Arms, which are treated as section 220(e)(2) offices under these final regulations. Similarly, the House Office of Finance, like the Senate Disbursing Office, is responsible for the disbursement of payrolls and other funds, together with related budget and appropriation activities, and therefore will be treated, pursuant to section 220(e)(2)(H), as a section 220(e)(2) office.

VI. Method of approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 19th day of August, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

Member Seitz, concurring: In section 220 of the Congressional Accountability Act (''CAA'' or ''Act''), Congress instructed the Board of Directors of the Office of Compliance (''the Board'') to issue regulations that provide Congressional employees with certain rights and protections of chapter 71 of Title 5 of the United States Code. Most significantly, Congress commanded that the regulations issued be ''the same as substantive regulations issued by the Federal Labor Relations Authority'' unless the Board determines either that modified regulations would more effectively implement the rights and protections of chapter 71 (section 220(e)(1)(A)) or that exclusion from coverage of employees in the so-called political offices is ''required'' because of a conflict of interest or appearance of conflict of interest or because of Congress' constitutional responsibilities (220(e)(1)(B)). The Board faithfully fulfilled its statutory duty: We conducted the rulemaking required under section 304 of the Act, adhering to the principles and procedures embodied in the Administrative Procedure Act, as Congress instructed us to do. We examined and carefully considered the comments received and—with the assistance of the experienced and knowledgeable Executive Director and Deputy Executive Directors of the Office—we independently collected and analyzed the relevant factual and legal materials. Ultimately, the Board determined that there was no legal or factual justification for deviation from Congress' principal command—that the regulations issued to implement chapter 71 be the same as the regulations issued by the Federal Labor Relations Authority. The regulations we issue today reflect that considered determination.

The dissent unfairly attacks both the Board's processes and its conclusion.

The dissent attacks the Board's processes by stating both that section 220(e)(1)(B) of the Act requires some kind of a different ''proactive'' rulemaking process and that ''the Board did not undertake to make an independent inquiry'' regarding the regulatory issues. As the preamble details, this attack is baseless. The Board conducted the statutorily-required rulemaking, a process which included substantial supplementation of the comments received with independent inquiry and investigation and the application of its own—and its appointees'—expertise.

The dissent's suggestion that the Board majority and the Board's appointees did not, in fact, do the spadework necessary to make the judgments made is both ungenerous and untrue, as it impugns the hard work and careful thought devoted to a sensitive issue by all concerned. And, indeed, the dissenters, like the Board majority, had access both to the publicly available materials that might have been relevant to the Board inquiry—such as job descriptions for various positions in Congress—and to legal and factual analyses generated by Board appointees.

To be sure, the Board would not approve *ex parte* factfinding contacts between Board members and interested persons in Congress during the rulemaking period in order to preserve the integrity of its rulemaking process. But neither the commenters nor the dissenting Board members have suggested *even one* additional fact that should have been considered by the Board. Accordingly, the dissent's attack on the Board's processes merely reflects the dissent's unhappiness with the Board's substantive determination. But, it is both wrong and unjust to accuse the Board of failing to engage in an appropriate *process* simply because the Board ultimately *disagreed* with those advocating substantial exclusions from coverage under section 220(e)(1)(B).

The dissent's attack on the substance of the Board's conclusion is similarly misguided. It makes no attempt to ground itself in law, and, in fact, ignores fundamental principles of statutory interpretation: First, in interpreting a statute one looks initially and principally to its language; here the statute authorizes exclusions from coverage only when ''*required*'' by the statutory criteria. Second, in interpreting a statute, the most relevant legislative history is that addressing the particular provision at issue; here what legislative history there is acknowledges that the substitution of chapter 71 for the National Labor Relations Act ensured the elimination of perceived problems with permitting employee organization in Congress and reveals that section 220(e)(1)(B) was inserted only to make that assurance doubly sure and not as a ''standardless license to roam far afield from . . . executive branch regulations.'' Third, in interpreting a statute, the broad purposes of legislation illuminate the meaning of particular provisions; here the Act in question was designed to bring Congress under the same laws that it has imposed upon private citizens. That purpose has already been diluted by Congress' application to itself of only the limited rights and protections of chapter 71, rather than the broader provisions of the National Labor Relations Act; it would be eviscerated altogether by broad exclusions from coverage of the sort the dissent would endorse.

Nothing in the comments received or in the independent investigation done by the Board suggests that broad exclusions of employees from the coverage of chapter 71 are ''required'' by conflicts of interest (real or apparent) or by Congress' constitutional responsibilities. As noted in the preamble, chapter 71, by application through the Act, broadly excludes numerous employees from coverage, narrowly confines the permissible arena of collective bargaining, and eliminates most of labor's leverage by barring strikes and slowdowns. There is nothing to fear here, unless one fears the (minimal) requirement that a Congressional employer and its employees communicate about terms and conditions of employment (or, at least those not set by statute) before the employer sets them. And the substantial limits that chapter 71 places on employee organization and collective bargaining fully protect Congress' ability to carry out its constitutional responsibilities and entirely prevent any employee conflicts of interest (real or apparent). While we agree with the dissent that Congress is an exceptional institution, that exceptionalism does not warrant a broad exception from the coverage of chapter 71; neither the dissent nor the Board has identified any constitutional reasonability or conflict of interest that chapter 71's provisions do not adequately address.

The Board's determination that no further regulations are ''required'' under section 220(e)(1)(B) does not render that section a nullity, as the dissent states. Nor does it indicate a ''disdain'' for regulatory resolutions. Section 220(e)(1)(B) does not require either regulations or exclusions; it requires a Board inquiry into whether any such exclusions by regulation are necessary. The Board has conducted such an inquiry and has made the statutorily-required determination. That determination is the result of principled statutory interpretation, factual investigation, and legal analysis.

It is, in fact, the dissent's position that would render a portion of the CAA a nullity, because it would insulate Members of Congress from direct experience with employees dignified by labor-relations rights and protections. The Board's position keeps the promise of the Congressional Accountability Act. If the language, legislative history, and fundamental purpose of that Act are to be directly contradicted, that decision is for Congress alone. Such a result cannot lawfully be achieved by Board regulation.

Member Lorber, joined by Member Hunter, dissenting in part:

''The Congressional Accountability Act (''CAA'') is one of the most significant legislative achievements of the Congress in many years. While its reach is peculiarly insular, covering only the employees of the Congress and designated instrumentalities of the Congress, its import is global. As the bipartisan

leadership of the Congress stated upon the CAA's enactment, this law brings home the promise first offered by Madison in the Federalist Papers that the Congress would experience itself the impact of the [employment] laws it passes and requires of all [employers].''

The CAA established an Office of Compliance within the Congress to operationally carry out the functions of the CAA. The CAA established an independent Board of Directors appointed by the Bi-Partisan Congressional leadership to supervise the operation of the Office, prepare regulations for Congressional approval and act in an appellate capacity for cases adjudicated within the Office of Compliance procedures. As noted by Senator Byrd when the CAA was debated, this tri-partite responsibility of the Board is somewhat unique. In the present rulemaking, the Board is acting in its role as regulator, not adjudicator.

Pursuant to the CAA, the Board was charged with conducting a detailed review of all existing Executive Branch regulations implementing eight labor laws, deciding which of those regulations were appropriate to be adapted for implementation under the CAA and then drafting them to conform with the requirements of the CAA. For the regulations issued and adopted to date and for *most* future regulations, the Board engaged or will engage in a notice and comment process which was modeled after similar procedures followed by the Executive Branch. For the regulations adopted prior to the current rulemaking, after the conclusion of the comment period and after its analysis of the comments, the Board promulgated final regulations formally recommended by its statutory appointees and submitted them for the consideration of Congress.

We believe that this background discussion is appropriate since we are here publishing our dissenting opinion regarding the preamble and recommendation regarding regulations to implement section 220(e)(1)(B) of the Congressional Accountability Act. We note that these proposed regulations also address the statutory inquiry required by section 220(e)(1)(A) of the Act which require the Board to modify applicable regulations issued by the Federal Labor Relations Authority for good cause shown, to determine whether the regulations adopted pursuant to section 220(d) will apply to the political offices listed in section 220(e) and regulations required by section 220(e)(2)(H) of the Act which requires the Board to determine if there are other offices which meet the standards of section 220(e)(2) so as to be included in the consideration required by section 220(e)(1)(B). We do not dissent from the Board's final resolution of these regulatory issues.

We do not undertake to issue this first dissent in the Board's regulatory function lightly. At the outset, the Board appropriately decided that it would endeavor to avoid dissents on regulatory matters. We felt then, and indeed do so now, that the public interest and the Congressional interest in a responsible implementation of the CAA required that the Board work out, in its own deliberative process, differences in policy or procedure. While the issues there addressed were and are some of the most contentious employment issues in the public debates, the Board and staff worked through the issues with a remarkable degree of unity and comity.

However, in enacting the Congressional Accountability Act, the Congress included one section that differs from all others in its requirements of the Board and in its process of adoption. Indeed, unlike any other substantive provision of the CAA, this section finds no parallel in the published regulations of the Executive Branch. Section 220 of the CAA, which adopts for Congressional application the relevant sections of the Federal Labor Relations Act contains within its subsections 220(e)(1)(B) and (e)(2), which deal with the application of the FLRA to the staff of Congressional personal offices, committee offices and the other offices listed in section 220(e)(2), (''the political offices'').

Section 220(e)(1)(B) of the Act requires the Board to undertake its own study and investigation of the impact of covering the employees in the political offices and determine itself, as a matter of first impression and after its own inquiry, whether such coverage of some or all of those employees would create either a constitutional impediment or a real or apparent conflict of interest such as to require the Board to exempt from coverage, by regulation, some or all of those employees or some or all of the positions employed in the political offices. Due to the speed of enactment, and apparently because the CAA culminated a protracted period of prior debate by previous Congresses on this issue, neither the statute nor any accompanying explanations provided specific guidance as to the method and procedure the Board was to follow in reaching its 220(e)(1)(B) recommendations.

The section in question contains two separate requirements for the Board. Section 220(e)(1)(A) repeats the standard for all other Executive Branch Regulations that the Board may, for good cause shown, amend the applicable FLRA regulations as applied to the Congress. As previously noted, we join the Board's resolution of this section. However, unique to the CAA, section 220(e)(1)(B) requires of the Board that it independently review the coverage question for the political offices enumerated in section 220(e)(2) in order to determine if the Board should, by regulation, recommend that some or all of the employees of those offices be excluded from coverage. This exclusion from coverage merely means that the Board has determined that certain positions be exempted from inclusion in bargaining units for the statutory reasons set forth in section 220(e)(1)(B). The other applicable exemptions found in the FLRA and noted by the majority are unaffected by section 220(e)(1)(B). Thus, reference to the applicability of those exemptions may have been necessary to respond to certain commenters but are irrelevant for these purposes. Again, unlike any other regulation proposed by the Board, the 220(e) regulations will not take effect until affirmatively voted on by each House of Congress. It should be noted that the 220(d) regulations governing application of the FLRA to Congressional employees not working in the 220(e)(2) political offices are not affected by this enactment requirement. This requirement was necessary in part because there are no comparable Executive Branch regulations which will come into effect in the absence of Congressional action. Thus, the Congress must exercise greater oversight in reviewing these regulations because there is no preexisting regulatory model against which to compare the Board's decision. By requiring this independent analysis, the Congress clearly intended for the Board to investigate these issues in a manner different from the passive or limited review as defined by the majority.

Faced with this novel requirement, the Board attempted to fashion a means of addressing this issue which would continue its practice of ensuring fair, prompt and informed consideration of regulatory issues. The majority adopted as its guide the process heretofore followed by the Board in its previous regulatory actions in the standard notice and comment manner. Its methodology was apparently modeled after its belief that the Administrative Procedure Act (''APA'') is either directly incorporated into the CAA or that the reference to the APA in section 304 binds the Board in a way so as to preclude it functioning in a normal and accepted regulatory manner. Of course, if the majority does not now assert that its analysis is constrained by its restrictive interpretation of the APA, then we are in some doubt about the majority's stated reason for its passive review of written comments and failure to undertake any examination on its own of the issues here before us.

The Board attempted to frame the 220(e)(1)(B) issue broadly enough to encourage informed comment by the regulated groups. It responded to the comments received by proposing a regulatory scheme (in this case a decision not to issue any 220(e)(1)(B) regulations), and it elicited comments on the proposed regulations after which it reached the decision published today. The undersigned members believe, however, that section 220(e)(1)(B) charged the Board with a different role. We believe that the Board had the obligation to direct its staff and that the staff itself with independent obligations to each respective House of Congress had to undertake a more involved role. We believe that the uniqueness of this statutory provision required the Board to be proactive in its approach and analysis. Indeed by its very inclusion in the statute, and the requirement that the Congress affirmatively approve of its resolution, section 220(e)(1)(B) indicated a concern on behalf of the entire Congress that potential unionization of the political employees of the political offices in the Congress might pose a constitutional or operational burden (as defined by a conflict or apparent conflict of interest) on the effective operations of the legislative branch. Whatever the individual views of any Board member regarding this section, we believe that our responsibility is to effectuate the intent of the Congress as reflected in the Statute.

Response to the Board's initial invitation for informed input was not substantial. However, after the Notice of Proposed Rulemaking was published, substantial comments were received. In fact, the Board made special efforts to elicit comments and even briefly extended the comment period to accommodate interested parties who could offer assistance. By the end of the process, the Board did receive comments from most of the interested Congressional organizations. It received only one comment from a labor organization during the ANPR period and a separate letter during the NPR period in which the labor organization indicated that it reaffirmed its opposition to a total exemption of the political offices employees. The quality and informative content of the comments received are subject to differing views. The majority of the Board apparently believes that the comments were not particularly helpful or informative. We can only reach this conclusion by noting that the Board took pains to disclaim the substance and import of the comments received except apparently to credit substantive weight to the sole comment urging that the Board refuse to exercise its authority under 220(e)(1)(B). We believe, on the other hand, that the substantive comments did articulate a cogently expressed concern about the coverage of the employees in question and the disruptive effect a case by case adjudicatory process would have on the activities of the Congress. In any event, the section of the statute here in question *requires* the Board to move its inquiry beyond the written submissions.

Unfortunately, the Board did not undertake to make independent inquiry regarding these questions or to engage in inquiry of Congressional employees or informed outside

experts. Rather, the Board continued its nearly judicial practice by which it analyzed the comments as submitted and neither requested follow up submissions nor conducted any independent review. Contrary to the majority's opinion, the undersigned believed that the submitted comments were helpful in indicating areas of concern and setting forth possible methods of addressing this issue. And in any event, under the majority's own standards, the lack of *any* substantive comments supporting the majority's ultimate conclusion is telling.

In the type of insulated analysis undertaken by the Board, where it relies so heavily upon submitted comments, we find it curious that the majority apparently adopted a position that it was only the obligation of those supporting a full or partial exclusion under section 220(e)(1)(B) to persuade the Board and that those opposing such exclusion can rely upon the Board's own analysis. We believe that the Board was charged with a different task and that it had to reach its own conclusions unanchored to the quality or inclusiveness of the comments. The undersigned relied, in addition, on our own understanding of the responsibilities of the Congress and the various offices designated for consideration, the criteria set forth for decision in the Statute, and our own experience. We believe that the Board's deliberations were hampered by its constricted view of its role and by not undertaking its own investigative process so as to better understand the tasks generic to the various Congressional job titles in the political offices.

The Board's discussions were detailed and frank. They were carried out in a professional and collegial manner. Various formulations of resolution were put forth by various commenters and the dissenters, including regulatory exemption of all employees, regulatory exemption of employees with designated job titles, regulatory exemption of all employees deemed to be exempt as professional employees under section 203 of the Act (the FLSA) and other regulatory formulations. We believed that the statute did not give the Board the discretion to set its analytical standards so high as to make a nullity of section 220(e)(1)(B). Indeed, we believe that the statute legally compelled the Board to undertake efforts to give meaning to the exemptions. The majority has been resistant to any formulation which would apply the 220(e)(1)(B) regulatory exemption. The result of the Board's deliberations are found in the proposed 220(e)(1)(B) regulations (or lack thereof) and the explanatory preamble.

We dissent from this resolution for several reasons. As set forth above, we believe that the Board was charged with a different and unique role. In this case, the credibility of the Board's response to section 220(e)(1)(B) demanded a proactive, investigatory effort under the authority of the Board which we believe simply did not occur. The majority, as expressed in the preamble, relied instead upon past precedents and concepts which we believe inapplicable or at least not determinative of the complex issue raised by 220(e)(1)(B). Indeed, as discussed below, its limited view of the leeway regulators have to interpret their statutes so as to give meaning and substance to Congressional enactment mars this entire process. We note, for example, the majority's reliance on *In re Department of Labor, Office of the Solicitor and AFGE Local 12*, 37 F.L.R.A. 1371 (1990), for its discussion of ''confidential employees'' and for other purposes. While this case may be pertinent if that issue comes before the Board in an adjudicatory context, we fail to see its relevance when the statute commands the Board to view the issue of unionization of *politically appointed* employees who work in *political offices* in the legislative body under separate and novel standards. Indeed, as we noted above, the standard statutory exemptions for professional or confidential employees are simply irrelevant to this discussion. Thus, in the case relied upon so heavily by the majority, we would simply note that Labor Department attorneys are, like the vast majority of federal employees covered by the FLRA, career civil servants who must conduct their professional activities in a nonpartisan environment. We believe that the conflict or apparent conflict of interest implicated by each workplace environment and type of employee is different. Politically appointed employees in political offices are under different constraints.

We note as well that the majority looked to private precedent decided under the National Labor Relations Act for guidance. If the majority believes that NLRB precedent is of assistance to our deliberations, we too would look to applicable NLRB precedent for guidance. Apparently faced with a growing caseload and inconsistent decisions by the appellate courts, the NLRB undertook in 1989 to decide by formal rulemaking the appropriate number of bargaining units for covered health care institutions. At the conclusion of this rulemaking process, the NLRB decided that in the absence of exceptional circumstances defined in the regulation, see 29 CFR §130.30 (1990), eight bargaining units would be appropriate. This rulemaking was challenged on several grounds including citation to §159(b) of the NLRA which appears to state that the NLRB should establish appropriate bargaining units in *each case* (emphasis added). However, in *American Hospital Association* v *NLRB* 499 US 606 (1991), a unanimous Supreme Court rejected the view that the NLRB was constrained from deciding any matter on the basis of rulemaking and was compelled to decide every matter on a case by case basis. The Court cited its precedents in other statutory cases for the proposition that a regulatory decision maker ''has the authority to rely on rulemaking to resolve certain issues of general applicability unless Congress clearly expresses an intent to withhold that authority.'' 499 US 606, 612. (citations omitted.) In our statute, the Congress has clearly stated its preference for a regulatory resolution. Indeed, the Court cited with approval the following from Kenneth C. Davis, described by the Court as ''a noted scholar'' on administrative law: ''[T]he mandate to decide 'in each case' does not prevent the Board from supplanting the original discretional chaos with some degree of order, and the principal instruments for regularizing the system of deciding 'in each case' are classifications, rules, principles, and precedents. *Sensible men could not refuse to use such instruments and a sensible Congress would not expect them to.*'' (emphasis added.) 499 US at 612.

We see absolutely nothing in the CAA which nullifies this observation. The majority finds statutory constraints where we find statutory encouragement to act in the manner of ''the sensible man'' as defined by Davis and relied upon by the Supreme Court. To the extent other similar experience is relevant, we would look to the fact that the Board was informed that no state legislative employees are included in unions even in states which otherwise encourage full union participation for their own public employees. Unfortunately, the majority neglected to analyze the relevance of this fact.

The preamble reflects the majority's belief that it was constrained to act only upon the public rulemaking record. We believe that this analytical model is flawed. The Board cites the reference to the Administrative Procedure Act in section 304 of the Act as implicitly signaling that the Congress somehow incorporated that Act's procedural requirements into the CAA. The majority's view overstates the statutory reality. Most simply, the statutory reference does not command slavish adherence to a formalistic APA inquiry. While APA procedures are certainly good starting points for any rulemaking process, its intricacies and judicial interpretations cannot be deemed binding on the CAA process. Indeed, with respect to most of our regulatory activities, the statute places additional limitations on the Board's discretion and inquiry far more limited than that permitted by the APA. Particularly with regard to section 220(e)(1)(B), the statute clearly places different responsibilities and procedural requirements on the Board. The majority erred in adopting its passive analytical role.

But perhaps more importantly, we believe that the Board's understanding of the appropriate response by regulators to Rulemaking obligations is seriously constricted. Rulemaking never required a hermetically sealed process in which the decision makers sit in a judicial like cocoon responding only to the documents and case before them. Since this Board has disparate functions, it must adapt itself to the specific role rather than bind itself to a singular method of operation, particularly when the issue in question calls for a unified decision and guidance rather than the laborious and time consuming process inherent in case by case resolution. And in any event, as it has evolved, modern rulemaking encourages active participation by regulatory decision makers in the regulatory process, including staff fact finding and recommendation, contacts with involved parties so that all information is obtained and other independent means of acquiring the information necessary to reach the best policy decision. There is no requirement that regulatory decision makers be constrained solely by written submissions which are subject to the expository ability of the commenters rather than the actual facts and ideas they wish to convey. Indeed, while every other regulatory responsibility of this Board is limited to merely reviewing existing federal regulations, in this one area the statute demands that the Board act proactively on a clean slate. This the Board did not do.

We note as well the majority's equation of the Executive Branch functions with the legislative process of the Congress in its citations to past FLRA cases and in its general analysis. We frankly find this comparison to be without any legal or constitutional support. The two branches have wholly different functions. While the Executive Branch has officials who obviously interact with the Congress, their role is not the same as legislative employees who directly support the legislative process in the political offices and institutions of the Congress. Perhaps it should be noted with some emphasis that *advocacy before the Congress is not the same as working in the Congress.* Thus, it is simply wrong to suggest, as the majority does, that Executive Branch employees perform legislative functions. Or that the Board is somehow bound, in this instance, to mutely follow the holding of one FLRA case which addressed the bargaining unit status of government attorneys employed to interpret and enforce a host of laws directed at employment issues, the vast majority of which have absolutely nothing to do with labor management issues. The issue before us requires a sufficient knowledge of Congressional staff functions, responsibilities and relationship so that the statutorily required determination will be meaningful.

We wish to comment on the majority's apparent reluctance or disdain for at least a partial regulatory resolution of this issue.

Case by case adjudication of individual factual issues may well be the best means of assuring procedural due process as well as fundamental fairness to the parties involved. The history (until recently) of labor management enforcement had shown a reluctance for regulatory resolution of labor management issues and opted instead for case by case resolution. However, the decisions by the NLRB and the Supreme Court in the *American Hospital Association* case and more recent efforts by the NLRB to engage in more extensive rulemaking indicates that even in the labor-management arena, in which we find ourselves, there is a recognition that regulatory resolution of global issue requiring resolution is often preferable to time consuming and expensive case by case litigation. We share the concern of some of the commenters that a process of adjudicatory resolution, regardless of the efficient manner in which it may be conducted by the Office of Compliance, is time consuming and subject to delay. To add to this, we note that the Board is a part time body whose members must pursue their professional activities as well as serve in the capacity of Board Member. The Board has justified its refusal to issue advisory opinions on other interpretative matters in part on its resource limitations. We agreed with that decision. We merely think it appropriate that the implications and rationale of that decision be applied to the matter before us.

Cognizance must also be taken of the fact that the offices and employees at issue here are transient. In some instances, the entire composition of an employing office may change every two years. We understand that employment in the positions at issue is often not considered a career opportunity but rather represents a period in the professional life of such an employee where they devote their energy and ability to a public pursuit before embarking on their private careers. We point out that case by case adjudication of the eligibility of various employees of various employing offices to be included within collective bargaining units may not be resolved until the employee or the office itself is no longer part of Congress. Thus, while the coverage issue is litigated on a case-by-case, employee-by-employee basis, final resolution of the underlying representational issue is delayed. In a body such as Congress where time pressures are intense and uneven, the inherent disruption and confusion attendant to such uncertainty is highly unfortunate. We believe that the Congress recognized this dilemma by including section 220(e)(1)(B) in the statute. In addition, we look to the impact on employees in those offices who may nevertheless be eligible to join a union if their positions are otherwise not deemed exempt under whatever formulation and note that their statutory rights will be denied because of the insistence on treating this issue as merely another adjudication.

We finally must address one argument put forward by the Board that suggests that since Congressional employees are apparently free to join, in their private capacity, whatever organizations they wish such as the Sierra Club, the National Right to Work Committee, or NOW, (but see section 502(a) of the CAA), distinguishing between these activities and union membership or ceding authority to the collective bargaining representative represents an unfair discrimination against unions in violation of the FLRA. While of some obvious surface appeal, this argument is entirely frivolous. We must observe that there is one salient difference between those organizations and the labor representation we are here discussing. The organizations cited by the majority *do not* represent the employees for the purpose of their employment and working conditions. They have no official status regarding the working relationships and responsibilities of their members. In contrast, the major purpose of labor organizations, aside from their historical and active participation in the political process, is to represent bargaining unit employees with respect to the terms and conditions of their employment as permitted by law. In the case of the FLRA, once a union is the certified bargaining representative, it represents the employee regardless of whether the employee is a member of the union or not. Thus, the reference to other organizations is of absolutely no relevance to issues being decided today and, in fact, raises issues not before us now and not even within the scope of the CAA.

For at least the reasons set forth above, we must dissent from the Board's decision regarding Section 220(e)(1)(B) regulations and the explanation for that decision set forth in the Preamble to the final regulation. We emphasize that this dissent should not be deemed as precedent for future divisions of the Board. We cannot emphasize enough the unique requirements of section 220(e)(1)(B). Indeed, the statute itself recognizes this distinction by treating employees of the instrumentalities in a wholly different manner than employees of the 220(e)(2) offices. The Board has spent extensive time reviewing this issue. The majority comes to its conclusions backed by its view of the historical treatment of labor management issues and its belief that its scope of review is limited. In short, the Board adopted an unjustified stance regarding its legal authority and self-perceived constraints in the statute. We believe, however, that precedent and our statute command a different treatment. We also believe that the majority ignores the modern developments in regulatory issues. Thus, in view of the explanations offered in the preamble and the decisions reached by the majority, we regretfully believe those decisions to be wrongly considered and wrongly decided.

We add a brief coda to our dissent to simply respond to our colleagues who apparently feel that their lengthy preamble insufficiently set forth their views. We begin by apologizing to the Congress by burdening it at this extraordinary time in the second session of the 104th Congress with these arcane arguments regarding the meaning of the CAA, or PL 104–1. Indeed it is precisely this time constraint which partially drives our concern over the majority's action. We have no doubt that cannery workers, construction workers or sales persons have time constraints. So do health care workers. The Congress will have less than thirty days to complete this session. Critical public business must be completed. These are the time pressures inherent in the Congress which find little parallel in other workplace environments. We respectfully question whether section 220(e)(2) employees are the same as the aforementioned employees, or indeed Executive Branch employees who must perform their critical public business of administering or enforcing the laws Congress passes over a normal full year time span. To underscore our comments in the dissent, our colleagues surely understand the constitutional difference between Article I employees and Article II employees and the constitutionally different responsibilities assigned to each.

Our colleagues suggest that we did not read or misunderstood the wealth of materials gathered during the six month period this issue has been before us. While we applaud the majority's acknowledgement now expressed that it must go beyond the submitted comments, we confess not having had the privilege of knowing that these materials existed. But of much more importance, if these materials existed and were of such weight in the majority's consideration, then its own articulately stated view of the statutory obligations of notice and comment should have required that this information be described and listed in the various notices so that the commenters could fairly respond and argue how this information impacted their comments. It wasn't.

We respectfully submit that our colleagues misconstrue the discussion regarding the *American Hospital Association* case. Our point was not to laud the NLRB or even our Deputy Executive Director, which we surely do. Rather it was to suggest that the Supreme Court precedent involving both labor-management laws and regulatory flexibility did provide the guidance and legal authority we understand our colleagues to be searching for. We particularly note that the Court there apparently considered the observations of an administrative law scholar regarding the need to impute into every statute establishing regulatory authority the obligation of sensible interpretation as being as of much or even more precedential weight as the prior decisions of that Court.

Too much has been written on this issue. We hope that the Congress does devote some time to considering the recommendation being sent to it by the Board of the Office of Compliance. If this dissent has some resonance, perhaps the Congress might consider returning it to the Board with some guidance as to its intentions regarding the factors to be considered and methodology to be followed by the Board in reaching its recommendations.

ADOPTED REGULATIONS

§2472 Specific regulations regarding certain offices of Congress

§2472.1 Purpose and scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the

Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, the Administrative Office of the Sergeant at Arms of the Senate, the Office of the Majority Whip of the House of Representatives, the Office of the Minority Whip of the House of Representatives, the Office of House Employment Counsel, the Immediate Office of the Clerk of the House of Representatives, the Immediate Office of the Chief Administrative Officer of the House of Representatives, the Office of Legislative Computer Systems of the House of Representatives, the Office of Finance of the House of Representatives and the Immediate Office of the Sergeant at Arms of the House of Representatives.

§2472.2 Application of chapter 71

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office as set forth at sections 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1, covered employees who are employed in those offices and representatives of those employees.

RETIREMENT OF DELAWARE STATE SENATOR RICHARD S. CORDREY

Mr. BIDEN. Mr. President, there are moments in the history of every legislative body when the members, and the public, are forcefully reminded that the achievements of the body as a whole have depended significantly upon the skills and the leadership of a single individual. One of those moments has arrived for the Delaware State Senate with the decision of State Senator Richard S. Cordrey not to seek reelection in 1996, after 30 years of public service.

That his colleagues have long recognized his outstanding personal qualities is made clear by the fact that for 24 of those 30 years, Senator Cordrey has served as president pro tempore of the Delaware Senate—an exceptional tenure in that office that is unrivaled in Delaware's history or among his counterparts in other States. As no one knows better than those of us who serve in the U.S. Senate, such extended recognition of legislative leadership is a certain sign of a rare and enduring trust, and Senator Cordrey's legislative record demonstrates why he has been for so long accorded that trust—fully 80 percent of the bills he has introduced in the Delaware Senate have been passed by both houses of the Delaware General Assembly and signed into law by one of the five Delaware Governors who have held office since Senator Cordrey first entered the Delaware Senate. I doubt that any of us here, or any of our predecessors in this Senate could claim equivalent legislative success.

A major legacy of that success is Delaware's Rainy Day Fund that sets aside 2 percent of the state's revenues in a fund that can be called upon in the event of a devastating economic recession. Delaware's thriving economy and its solid reputation on Wall Street can be largely attributed to that Cordrey-led initiative in fiscal responsibility. He demonstrated similar economic insight and leadership in shepherding through the general assembly in the 1980's Delaware's landmark Financial Center Development Act and related legislation which has expanded Delaware's thriving financial-services sector and given the State's economy a major boost.

But the hallmark of Richard Cordrey's leadership of the Delaware State Senate has been his character and personality—an honest and affable man with a set of well-defined personal values and an adamant integrity who could nevertheless create bipartisan consensus out of legislative chaos. A Republican colleague, State Senator Myrna Bair, has said of Cordrey, a Democrat, ''He had a way of promoting what he believed while allowing others to vote their way with no hard feelings;'' and a Democratic colleague, State Senator Thurman Adams, has said, ''He always spoke what he thought was the truth. He took time with people, and they developed tremendous trust in him. His word was his bond.''

Mr. President, no legislature would willingly say good-by to a leader who consistently demonstrated such qualities over a quarter-century, and the Delaware State Senate will miss the steady hand of Richard Cordrey at the helm, as will the people of Delaware—but he has chosen to retire from office with the same firmness that characterized him in office and, knowing Delaware will benefit far into the future from the body of law and the style of leadership he has created, we Delawareans all wish him well as he returns to private life.

RETIREMENT OF THOMAS R. VOKES FROM THE U.S. MARSHALS SERVICE

Mr. SPECTER. Mr. President, on August 31, 1996, while the Senate was in recess, Thomas R. Vokes retired from the U.S. Marshals Service after a distinguished law enforcement career of 33 years, including 26 years with the Marshals Service.

Mr. Vokes was born and raised in Clearfield, PA. He attended the public schools there through high school. In 1963, he embarked on what proved to be a most distinguished career in law enforcement when he joined the Washington, DC, Metropolitan Police Department as a police officer.

In 1966, Mr. Vokes joined the Federal service by becoming a White House police officer, a predecessor to today's Uniformed Division of the Secret Service. Four years later, Mr. Vokes joined the U.S. Marshals Service, the agency from which he just retired.

Upon joining the Marshals Service, Mr. Vokes returned to Pennsylvania as a deputy U.S. marshal for the Middle District of Pennsylvania. Five years later, in 1975, Mr. Vokes became a supervisory deputy marshal in the Middle District. In 1980, Mr. Vokes was promoted and moved to California to become a court security inspector. He received a court appointment to serve as the U.S. marshal for the Central District of California, one of the Nation's largest Federal judicial districts, in January 1981 and served until March 1982.

Upon completing his term as U.S. marshal in Los Angeles, Mr. Vokes returned to Pennsylvania and served as chief deputy U.S. marshal, the senior career position, in the Middle District of Pennsylvania for 2 years. After additional service as chief deputy U.S. marshal in North Dakota, Mr. Vokes returned once again to Pennsylvania in 1991, having been appointed by the Attorney General to serve as the U.S. marshal for the Eastern District of Pennsylvania, based in Philadelphia.

It was in this capacity that I came to know Mr. Vokes. As the U.S. marshal for the Eastern District of Pennsylvania, Mr. Vokes was widely recognized and esteemed by Federal, State, and local law enforcement agencies and by the Federal courts for his effective leadership and management of the functions of the Marshals Service in the district. I knew the security of the Federal courts in Philadelphia was in good hands when Marshal Vokes was at the helm.

In March 1994, Marshal Vokes left Philadelphia and returned to Washington, where he had started his law enforcement career, to serve as the chief of the Marshal Service's Prisoner Operations Division, managing the agency that ensures that Federal prisoners awaiting trial show up in court at the appointed time. It was from this position that Marshal Vokes just retired.

If the measure of the man is the trust reposed in him, Marshal Vokes has been highly respected throughout his career. Twice he was selected to serve as chief deputy U.S. marshal, the senior career position in the Marshals Service. And twice he was selected to serve as the U.S. marshal in two of the Nation's largest and busiest judicial districts, Los Angeles and Philadelphia. Finally, he ended his career in charge of one of the operational divisions of the entire Marshals Service.

Too often we in Congress fail to recognize publicly the thousands of dedicated civil servants like Marshal Vokes who carry out the laws that we adopt. I am pleased to honor Marshal Vokes for his dedication to our Nation and its people. He is one of Pennsylvania's finest, and we have been honored to share his talents with the rest of the Nation. I know all my colleagues join me in wishing Marshal Thomas R. Vokes all the best in his retirement.

NOMINATION OF CONGRESSMAN PETE PETERSON TO BE AMBASSADOR TO VIETNAM

Mr. THOMAS. Mr. President, I come to the floor today as the chairman of the Subcommittee on East Asia and Pacific Affairs of the Foreign Relations Committee to outline for my colleagues a decision that I and the distinguished full committee chairman Mr. HELMS have made to postpone the nomination hearing of Congressman DOUGLAS ''PETE'' PETERSON to be Ambassador to the Socialist Republic of Vietnam (SRV).

At the outset let me say, as I did to Congressman PETERSON yesterday, that the reason for the postponement—and I will address this in greater detail in a moment—is the White House's failure to meet the constitutional requirements for the nomination; it has nothing to do with PETE PETERSON as a nominee. If the White House had avoided this oversight, we could have moved ahead with this nomination—a nomination I believe most of the committee would support—without all the fits and starts and delays.

The President nominated Congressman PETERSON for the position of Ambassador to the SRV on May 23, 1996. His file was received by the full committee in June and was finally complete and ready for consideration by the committee on June 25. The full committee scheduled a confirmation hearing on the Peterson nomination and three others for July 23, which I was to chair in my capacity as chairman of the subcommittee of jurisdiction. However, because of a series of conflicts with the Senate schedule, the hearing had to be postponed twice; first to July 29 and then to September 5, after the August recess.

But at the same time this series of postponements was taking place, the distinguished Senator from North Carolina [Mr. HELMS] and I were growing concerned over a legal issue which had come to our attention regarding to the nomination. On July 17, our legal staffs informed us that a provision of the Constitution might preclude Congressman PETERSON from serving as Ambassador. We contacted the White House, and asked for a detailed clarification of the issue from them. At the same time, we asked the Office of Senate Legal Counsel [SLC] to provide us with their opinion. Mr. Jack Quinn, Counsel to the President, provided us with a letter outlining the administration position on July 22; their legal opinion from the Office of Legal Counsel [OLC] at the Department of Justice followed after the close of business on July 26. The SLC opinion was delivered to us the same day.

After carefully reviewing the opinions of the OLC and the SLC over the August recess, and the legal authorities cited in them, we have concluded that the constitutional issue requires us to postpone Congressman PETERSON's nomination hearing until January next year in order to meet the requirements of the Constitution.

Mr. President, article I, section 6, clause 2 of the U.S. Constitution provides in part:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time. . . .

In other words, this provision of the Constitution—called the ineligibility clause—prohibits a Member of Congress from being appointed to a civil position in the Government which was created, or for which there was a salary increase, during that Member's term of office.

The first time the ineligibility clause arose as an issue was during the Presidency of George Washington; the second was during the administration of President Arthur. In both cases, the President's interpreted the provision literally and it was concluded that the Constitution prohibited even the nomination of a Member of Congress to an office created during his term—thus equating nomination with appointment. As President Arthur's Attorney General stated:

It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as it is presented regarding its application in this case.

Under a literal reading, then, Congressman PETERSON cannot be even considered for the nomination until after January 3, 1997—the expiration of his present term. It would seem to me that if President Washington found a nomination similar to Congressman PETERSON's void from the outset because of the ineligibility clause, that reasoning should be good enough for the Clinton administration.

Even if we assume for the sake of argument that a literal construction of the clause is not warranted here—and that we have to determine exactly which act or series of acts constitutes an appointment under the clause—an examination of the facts in Congressman PETERSON's case yields the same conclusion. It has been argued that some precedent exists to support the conclusion that appointment requires both the acts of nomination and of confirmation by the Senate. For example, in Marbury versus Madison, Chief Justice Marshall wrote:

These . . . clauses of the Constitution and laws of the United States which affect this part of the case [governing the appointment of U.S. marshals] . . . seem to contemplate three distinct operations:

1. The nomination. This is the sole act of the President, and is completely voluntary.

2. The appointment. This is also the act of the President, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate.

3. The commission. To grant a commission to a person appointed might, perhaps, be deemed a duty enjoined by the Constitution. ''He shall,'' says that instrument, ''commission all the officers of the United States.''

The acts appointing to office, and commissioning the person appointed, can scarcely be considered as one and the same; since the power to perform them is given in two separate and distinct sections of the Constitution.

Although that case is not controlling in the Peterson situation because it did not involve the ineligibility clause, assuming that it governed here would still preclude our taking up the Congressman's nomination before the expiration of his present term. Under the reasoning of Marbury, Congressman PETERSON would be appointed within the meaning of the ineligibility clause at the time the Senate were to give its advice and consent. Given the facts of his case, it would be unconstitutional for this body to confirm the Congressman by a floor vote prior to the next Congress.

Moreover, Chairman HELMS and I consider the nomination hearing to be an integral part of the process of advice and consent. It is, after all, the only time that the Senate as a body—through its Foreign Relations Committee—has a chance to personally examine and question the nominee and his qualifications for office. The committee then prepares a written report urging the full Senate to a particular course of action in voting for or against the nomination. We would, therefore, consider it constitutionally inadvisable to proceed with a hearing on a constitutionally ineligible nominee such as in this case until January next year—when the constitutional issue is no longer a problem.

Next, Mr. President, we must consider whether the office of ambassador is a ''civil office of the United States'' and thus is governed by the clause. The OLC opinion contends that ''there is a difficult and substantial question'' whether it is a civil office, and that the only precedent it could find ''assum[ed] (without discussion) that it should be considered to be such an office. In accordance with that precedence [sic], we shall assume here, without deciding, that the Ambassadorship to Vietnam would be a 'civil Office' within the meaning of the ineligibility clause.'' While the OLC opinion thus concedes

the point for purposes of this particular argument, I believe that an examination of the history of the ineligibility clause, as well as the nature of the office itself, clearly establishes that it is a civil office contemplated by the provision.

The early drafts of what became the ineligibility clause did not limit the prohibition to civil office, but encompassed all offices of the United States. During the debates at the Constitutional Conventions, however, the Framers came to realize the danger in having the clause prohibit what might be some of the most able military men in the country from serving in the Armed Forces in time of war. Many officers from the Continental Army had become Members of Congress; if a war had broken out, the fledgling country would have been deprived of much of its officer corps because the then-proposed ineligibility clause would have prevented their joining until the expiration of their respective terms of office. So the adjective ''civil'' was added, to distinguish it from the military. This is in line with the dictionary definition of civil: ''of ordinary citizen or ordinary community life as distinguished from the military or ecclesiastical.'' So as contemplated by the Framers, an ambassadorship is clearly ''civil'' in nature.

Similarly, an ambassadorship is clearly a Federal office, as that term is defined both in law and practice. For example, in United States versus Hartwell, the Supreme Court stated that ''a[] [Federal] office is a public station, or employment, conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument, and duties.'' Ambassadors are appointed by the President, and serve for the duration of a President's term or until they retire or are reassigned; they are paid from the Treasury; and they have a well-defined and customary series of duties they perform—all the criteria of a Federal office.

I would also note that article II, section 2 of the Constitution declares that ''the President shall nominate, and . . . shall appoint ambassadors . . . and all other officers of the United States.'' Note, Mr. President, the use of the term ''all other.'' This infers that ambassadors are part of the class of ''officers of the United States.'' In view of these facts, it can hardly be argued that an ambassadorship is not a civil office of the United States, and thus falls within the clause's prohibition.

Finally, Mr. President, the ineligibility clause requires us to determine whether the office of Ambassador to the SRV is one which was created during the Congressman's term of office. As I previously mentioned, Representative PETERSON was most recently elected on November 8, 1994, for a term that began on January 4, 1995, and that will end at noon on January 3, 1997. The President formally extended full diplomatic recognition to the SRV for the very first time in August 1995 and nominated Mr. PETERSON to be Ambassador to the SRV on May 23, 1996.

The White House has taken the creative position that:

...based on the facts and circumstances of this case, the office of Ambassador to Vietnam has not yet been created. If the Senate confirms Mr. Peterson, the President will not create the position of Ambassador to Vietnam until after noon on January 3, 1997. Therefore, so long as the Office is created at a time after Mr. Peterson's term of office . . . has expired, he can be appointed to the Office of Ambassador [without running into constitutional problems].

Rather than paraphrase the OLC argument, Mr. President, I ask unanimous consent the relevant portions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM OFFICE OF LEGAL COUNSEL OPINION

III.

We think it fair to say that the patterns of constitutional practice that we have described do not conclusively answer the question when the office of an ambassadorship is created. Nonetheless, we think that the legal and historical materials strongly point towards a particular answer, and we find that answer to be considerably more persuasive than any of the alternatives. Based on our survey of the materials, including the 1814 debate, we believe that the following tests are appropriate in determining when, for purposes of the Ineligibility Clause, the President has created the office of ambassador to a particular foreign State, in cases when such an ambassadorship has not existed before or (as in the case of Vietnam) has lapsed or been terminated:

1. In the usual course, the office is created at the time of appointment of the first ambassador to a foreign State once the President establishes diplomatic relations with that State. All that precedes the appointment—offering to establish normal diplomatic relations, receiving the foreign State's agreement to receive a particular person as the United States' ambassador, nominating and confirming that individual as ambassador—are all steps preparatory to the creation of the office. If the President ultimately declines to appoint an ambassador, the ''office'' is never created.

2. The President, nonetheless, retains the power to alter the ordinary course of events, and to create the office at some other time—or not at all. The act of creating the office must be distinguished from the preparatory steps leading to its creation. The preparatory acts indicate that the President intends to create the office; they do not in themselves constitute its creation. Indeed, in the ordinary course, the President should be understood to intend to create the office of ambassador upon the appointment of the individual as the first ambassador to the receiving State.

We turn now to the application of these tests to the ambassadorship to Vietnam.

IV.

The process by which the United States have been normalizing its relations with Vietnam has been underway for several years. The Republic of Vietnam (''RVN'') was constituted as an independent State within the French Union in 1950, and the United States sent a Minister to that State. (The United States did not recognize the Democratic Republic of Vietnam (''DRVN''), which had earlier declared itself to be an independent State.) Thereafter, on June 25, 1952, the United States appointed an Ambassador to the RVN, and upgraded the United States Legation in Saigon to Embassy status. In 1954, Vietnam was partitioned into what came commonly to be called ''North'' and ''South'' Vietnam. Despite an international agreement calling for the reunification of Vietnam, that did not occur; instead, the RVN, functionally, became South Vietnam, and the DRVN, functionally, North Vietnam. The United States maintained an ambassadorial post in the RVN from 1952 onwards. The last United States Ambassador left his post in Saigon on April 29, 1975.

After the Communist victory over South Vietnam in April, 1975, it became the position of the United States that ''[t]he Government of South Vietnam has ceased to exist and therefore the United States no longer recognizes it as the sovereign authority in the territory of South Vietnam. The United States has not recognized any other government as constituting such authority.'' *Republic of Vietnam* v. *Pfizer, Inc.*, 556 F.2d 892, 895 n.4 (8th Cir. 1977) (quoting letter from State Department).

During the present Administration, several successive and carefully measured steps were taken with a view to improving, and perhaps normalizing, relations between the United States and Vietnam. On July 2, 1993, President Clinton announced that the United States would no longer oppose the resumption of aid to Vietnam by international financial institutions. On February 3, 1994, the President announced the lifting of the United States' embargo against Vietnam. He also announced an intent to open a liaison office in Hanoi in order to promote further progress on issues of concern to both countries, including the status of American prisoners of war and Americans missing in action. His statement emphasized, however, that ''[t]hese actions do not constitute a normalization of our relationships. Before that happens, we must have more progress, more cooperation and more answers.'' On May 26, 1994, the United States and Vietnam formally entered into consular relations within the framework of the 1963 Vienna Convention on Consular Relations, to which both States were party. The United States, however, continued to condition diplomatic relations on progress in areas of concern to it. On January 28, 1995, the United States and Vietnam signed an agreement relating to the restoration of diplomatic properties and another agreement relating to the settlement of private claims. On July 11, 1995, the President announced an offer to establish diplomatic relations with Vietnam under the Vienna Convention on Diplomatic Relations—an offer that Vietnam accepted on the following day. In announcing that offer, the President stated that from the beginning of his Administration, ''any improvement in relationships between America and Vietnam has depended upon making progress on the issue of Americans who were missing in action or held as prisoners of war.'' Soon thereafter, the United States Liaison Office in Hanoi was upgraded to a Diplomatic Post.

On May 8, 1996, the Government of Vietnam gave its agreement (''agreement'') to the United States' proposal that Representative Peterson be Ambassador Extraordinary and Plenipotentiary of the United States to Vietnam. On May 23, 1996, the President submitted Mr. Peterson's name to the United States Senate for its advice and consent to that appointment.

In our judgment, while this pattern of activity demonstrates that the President fully intends and expects to create the office of ambassador to Vietnam, it does not establish

that he has, in fact, yet done so. The establishment of diplomatic relations does not entail the establishment of a diplomatic mission or the creation of the office of an ambassador. See Vienna Convention on Diplomatic Relations, art. 2. Moreover, the existence of diplomatic relations with Vietnam does not require (although it may normally assume) an exchange of ambassadors, since relations may be conducted at a lower diplomatic level. Further, we do not think that Vietnam's agreement to receive Mr. Peterson as ambassador establishes that that office exists for constitutional purposes. Nor (although the question is closer) does the President's decision to submit Mr. Peterson's name to the Senate for confirmation. Even if Mr. Peterson is confirmed, the President would retain the discretion not to send an ambassador to Vietnam, or otherwise not to create that office. In view of the facts that the United States has not had an ambassador to Vietnam since 1975 (and has never had an ambassador to the present government), that the process of normalizing relations between the United States and Vietnam has been a complex and protracted one, and that contingencies, however unlikely, may yet arise that would lead the President to conclude that it was not in the United States' best interests to appoint and send an ambassador, we do not think that the office of ambassador to Vietnam can be said to exist unless and until the President actually completes the process by appointing an officer to that position. Accordingly, if the President decides not to appoint Mr. Peterson to that office until after the expiration of the present term of Congress on January 3, 1997, we do not think that Mr. Peterson is constitutionally ineligible for that appointment.

In the interests of clarity, we repeat that we are not maintaining that an ''appointment'' within the meaning of the Ineligibility Clause does not occur until the appointee is actually commissioned by the President. Whatever the merits of that view as an original proposition (and they are substantial),[31] we are not writing on a clean slate. Accordingly, we follow the centuries-old teaching and practice of the Executive branch in assuming that the nomination of an ineligible individual is itself a constitutional nullity, even if the commissioning of that individual were to occur after the term of his or her ineligibility. Our position is that, in the singular circumstances of this case, the relevant office—the Ambassadorship to Vietnam—has not yet been ''created,'' so that no ineligibility exists. Thus, both the President's act of nominating Mr. Peterson, and the Senate's act of confirming him (if it does), are constitutionally valid.

Mr. THOMAS. Mr. President, I must say that this is one of the least straightforward legal arguments that I have seen. In effect, the administration is saying ''go ahead and hold a hearing on the fitness of this nominee to occupy and conduct the duties of an office which we have not yet created but will create at some time in the future.'' I believe that the clear and serious problems with that argument are self-evident.

Mr. President, what the OLC proposes raises a serious constitutional separation of powers issue in my mind. The Senate's advice and consent function requires a review not simply of the nominee, but of his or her qualifications and fitness to fill a particular office. To call for Senate confirmation of a nominee before the creation of the office that he would fill would deprive the Senate of that complete inquiry.

The OLC has sought to brush aside the problems created by asking us to hold a hearing on an uncreated office by stating that ''[e]ven if that particular ambassadorship has yet to be created, the duties and responsibilities of an ambassador are of course perfectly familiar to the Senate.'' But hypothetically, Mr. President, if we were to confirm an ambassador for an as-yet uncreated office, what is there to assure us that a President could not simply change the nature or duties of the office at his whim after the fact, leaving us—having given our consent—with no constitutional recourse? The Framers of the Constitution did not envision a carte blanche for the State Department in circumstances such as these.

To hold a hearing under these circumstances would set an unadvisable precedent for the Senate. Although the OLC states that there is precedent for our confirming a nominee for which the office did not yet exist, their two examples are not applicable to the facts in the Peterson case. First and foremost, none involved the position of ambassador. Second, both involved executive-branch bodies that were legislatively created—the Occupational Safety and Health Review Commission, and the Department of Health, Education and Welfare. The legislation creating each office had already become law, but provided that the particular respective offices and their holders —in these cases OSHRC Commissioner and Secretary of HEW—were to become effective at a later specific date. So OLC overlooks the fact that the offices had therefore already been created, but they were just not yet functional at the time the nominees were confirmed. An unfilled office is hardly the same thing as an uncreated office.

Given all this, Mr. President, I feel that the Constitution presently precludes our giving our advice and consent regarding the Peterson nomination. Moreover, I believe that it is inadvisable—in view of the Senate's constitutional role in the nomination process—to move ahead with the nomination hearing. If we accept for the sake of argument the White House position that, as the State Department spokesman put it, the office of ambassador is not created until the nominee actually takes up that office, we would be holding a hearing on confirming an individual for a position that does not yet exist. I have just mentioned the problems I have with that conclusion. How then would we exercise what is basically our constitutionally mandated oversight function? How would we determine whether the nominee is fit for the office to which he has been nominated if that office—and consequently its constituent functions and duties —has not come into being?

Given all these substantial problems, I and the chairman have concluded that it would be better to postpone the hearing on Representative PETERSON's nomination until after January 3, 1997, when his term—and the constitutional issue—expire. I pledge to my colleagues, and more importantly to Congressman PETERSON, that if I am chairman of the East Asia Subcommittee in the next Congress my very first hearing will be on this nomination. And I will, in any case, do everything I can to expedite the nomination process for him.

Mr. President, in closing let me stress what our decision to postpone the hearing is not about. First, as I mentioned at the beginning of my statement today it is not about PETE PETERSON. I have never heard any Member, regardless of their position on normalization of relations with the SRV, have anything but praise for the Congressman. He has an exemplary record of service to his country spanning several decades of which I believe all my colleagues are aware. As an Air Force captain, he was flying a combat mission in September 1966 when a North Vietnamese surface-to-air missile struck his Phantom jet fighter. He ejected free of the plane, but parachuted into a tree in the dark breaking an arm, leg, and shoulder. He was captured by the Vietnamese and spent 6½ years as a POW. He first came to Congress in 1991. When his nomination comes before the committee and the full Senate, I intend to vote in favor of it.

It is unfortunate, frankly, that Congressman PETERSON has become the victim of what I would charitably characterize as administration bungling. The administration completely failed to address this issue until our staffs brought it to their attention in mid-July. But it should not have come as a surprise to them, Mr. President—the issue has come up several times in previous administrations and even once in this administration with the nomination of Senator Lloyd Bentsen to be Treasury Secretary. Sadly, the only mention of the issue in the Administration prior to our raising the issue was the following one-page memo dated May 17, 1996, which somewhat ironically only addresses the emoluments portion of the clause—the only portion of the clause not applicable in Congressman PETERSON's case. Mr. President, I ask unanimous consent that the full text of the memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 17, 1996.

Memo for the file.

Subject: Nomination of Congressman Pete Peterson to be Ambassador to Vietnam.

In response to a question from the Executive Clerk at the White House, Mary Beth West, L/LM, and her staff researched the possible impact on Congressman Peterson's ambassadorial nomination of Article 1, Section 6, of the Constitution which states:

''No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have

been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.''

In consultation with the Office of Legal Counsel at the Justice Department and the White House Counsel's Office, it was determined that this constitutional requirement only prohibits the appointment of a Senator or Representative to a civil office if an act of Congress has created, or increased, the emoluments of that office during that Senator's or Representative's current term of office. In Congressman Peterson's case, there have been no salary increases covering ambassadors during his current term of office.

Mr. THOMAS. Had the administration done its job, Congressman PETERSON would have been spared the surprise and awkwardness of having his hearing postponed for several months. It is unfortunate that he has become a victim of this administration's unfortunate tendency to be reactive, rather than proactive, in its foreign policy decisions.

In some other circumstances, Mr. President, I might worry about a delay in sending an ambassador to a particular country and the effect such a delay might have on our foreign policy. Since May the State Department has been strongly urging the Senate to take up the Peterson nomination at the earliest possible date because ''it is vital to U.S. interests that we have an Ambassador in place there.'' With that sense of urgency, the Department was continually requesting that the nomination be placed on a fast track. That sense of urgency is unabated, but the White House has terminally undercut its own argument by stating that even if the Senate gave its advice and consent in this session to avoid a constitutional problem it would not officially commission and send him to Hanoi until after the expiration of his present term—in other words not until next January—to avoid constitutional complications. It seems to make little sense to hold a hearing now on a nominee who all sides agree is constitutionally barred from taking office until the next Congress convenes. Thankfully for Congressman PETERSON, our delay will not appreciably add to the time he will now be kept from his new position.

Second, the postponement it is not about what I view as the administration's hurried move to normalize relations with the SRV. It will not come as a surprise to anyone that as a Senator I have opposed normalization in the past. My opposition was not based on my dislike of that country's communist dictatorship, or even its brutal repression of its own people—although in this administration's somewhat hypocritical view these two bases seem sufficient to deny diplomatic recognition to other countries such as Cuba, North Korea, and Burma. Rather, I did not believe that we should reward Hanoi with normalization when, in my opinion and the opinion of many other Members of this and the other body, Hanoi had not been sufficiently forthcoming with information about our country's missing and dead servicemen.

I acknowledge that the President has wide latitude in the conduct of foreign policy, he has made the decision to normalize relations, and the Congress has more or less decided to go along with that decision. I have repeatedly stated that I will not stand in the way of that process simply because I disagree with the original decision.

Third, the decision to postpone is decidedly not—I repeat not—about politics. While it has become somewhat ''normal'' in the Senate for a committee controlled by one party to hold up action on the nominees proposed by a President from the opposing party at the close of an election year, such is not the case in this committee this year. The distinguished full committee chairman, Mr. HELMS, made it clear several months ago that it is his intention to move all matters pending before the committee—whether nominations, legislation, or treaties—out to the full Senate in time for them to be acted upon before the Senate adjourns sine die sometime in October; I fully support that position.

In addition, I have never managed issues within the jurisdiction of my subcommittee in anything less than a fully bipartisan spirit. I firmly believe that to be effective, U.S. foreign policy is an issue that should be insulated from the currents and eddies of partisan politics. Toward that end, I have never raised objections to an ambassadorial nominee solely because he or she was a Democrat, or a political, as opposed to a career, nominee. First, I would not have scheduled, and then rescheduled, this nomination hearing if I had not had every intention of moving forward with it. Nor would I go on record as publicly committing myself to make the Peterson nomination my first of 1997.

Fourth, this is not a question of the committee making a mountain out of a molehill. It is not some arcane issue to which we can turn a blind eye. It exists in black and white in the Constitution, the very document that many Members of this body carry with them daily and which all of us have sworn to uphold.

Some might ask, ''What would it harm to simply overlook the problem?'' What would it harm, Mr. President? Simply put, I believe strongly that it would harm the Constitution and the Senate. There is an enormous temptation to chisel at the margins of the Constitution. The temptation becomes almost irresistible when the corner chiseled at is deemed a nuisance and the likelihood is very remote that anyone would bring a lawsuit against those holding the chisel. The ineligibility clause would seem to fall into this category.

But a constitutional violation is no less a constitutional violation simply because the offended provision is perceived to be a minor one, or because of the absence of a judicial ruling to that effect. The President has taken an oath to uphold the Constitution; so have I, and I take that oath very seriously. The duty extends to every part of that document, not just to those portions that are considered convenient or more expedient than others. We should not turn our backs on the Constitution simply because we agree Congressman PETERSON is a good candidate or because the State Department would rather that he have his hearing now as opposed to later. Given the Constitution or the administration's convenience, the choice is clear.

INNOVATIVE BUSINESS PRACTICES AT NORFOLK NAVAL BASE

Mr. NUNN. Mr. President, in an article entitled ''An Admiral Turns Big Guns on Waste at Norfolk, VA, Base'' last month, Wall Street Journal reporter John Fialka described some of the new business practices that the Navy is employing to improve the efficiency of its base operations. I will ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks for the benefit of my colleagues who may have missed it.

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

(See exhibit 1.)

Mr. NUNN. This article documents a number of innovative initiatives undertaken by the Navy at Norfolk Naval Base—energy audits; joint agreements with civilian port terminals to increase the Navy's railroad access and terminal capacity; and lease arrangements with private real estate developers to increase the quality and quantity of housing for Navy members and their families. Mr. President, this kind of aggressive and innovative approach to reducing infrastructure costs is essential if our military services are going to have the funds to invest in the new systems and equipment need to modernize our forces.

According to the Wall Street Journal, the individual most responsible for these efforts at Norfolk Naval Base is Adm. William J. ''Bud'' Flanagan, the Commander of the Atlantic Fleet. Many of my colleagues remember Admiral Flanagan from his tour as head of the Navy's Office of Legislative Affairs in the late 1980's. Following that assignment, Admiral Flanagan commanded the Navy's Second Fleet before taking over as Commander of the Atlantic Fleet.

Mr. President, I have known and worked with Admiral Flanagan for many years. He is an extremely capable naval officer, and I am not at all surprised to see that he is also an energetic and creative business manager who is bringing innovative practices to the Navy's base operations. I hope that he keeps up the good work, and that others throughout the military services follow his good example.

EXHIBIT 1

[From the Wall Street Journal, Aug. 19, 1996]

AN ADMIRAL TURNS BIG GUNS ON WASTE AT NORFOLK, VA., BASE

FACING A SEA OF BUSINESS DEALS, FLANAGAN CHARTS A COURSE THAT CHANGES U.S. NAVY

(By John J. Fialka)

NORFOLK, VA.—Not long ago, a private company wanted to rent one of the Navy's sagging, ''temporary'' buildings here. It offered $400,000 a year for a Cold War relic that was sitting empty.

''We can't do that! Tear it down,'' ordered Adm. William J. ''Bud'' Flanagan Jr., commander of the Atlantic Fleet and the short, stocky czar of the sprawling Norfolk Naval Base.

The admiral, who now oversees an $11 billion budget but spent many of his 29 years in the Navy hunting for Soviet submarines, had reason to torpedo the deal. He had hired an outside research firm to analyze the base's $100 million energy bill—a first—and found that heating and cooling the 70,000-square-foot, uninsulated structure would cost nearly $1 million a year. So the rental would lose money. Now, the building is the 84th the admiral has ordered destroyed, and he has targeted 80 more.

Not that Adm. Flanagan hates business deals. In fact, he views this 55-square-mile naval base as awash in entrepreneurial possibilities. He will welcome tourists to what will be, in effect, a theme park with aircraft carriers. He will let a neighboring cargo terminal store cocoa beans on the base—if it helps load Navy ships. He will let developers build fancy townhouses and offices on a slummy-looking peninsula.

For decades, the Navy played a cat and mouse with the Soviet Union at sea, but on shore it operated much like its old adversary. Nobody itemized costs. Electricity wasn't metered. Submarine, aircraft and surface-ship commanders built redundant fiefs and, Adm. Flanagan complains, ''didn't talk to each other.'' As with many federal bureaucracies, leftover funds reverted to the Treasury at year end; so they were spent—on almost anything. ''The old tradition was if the Navy can spend some money, it will,'' he recently noted to a group of naval auditors.

CHANGED RULES

Last year, however, the Navy changed the rules—after hard lobbying by Adm. Flanagan. He did so partly because, as one of a Cape Cod, Mass., policeman's eight children, he admired his mother's gentle but firm grasp on the family budget. But he also was strongly influenced by four mid-career months at Harvard Business School, where he became acquainted with marketing concepts. ''It opened up a whole new avenue of thought,'' he recalls.

Under the Navy's new rules, a commander who saves money or generates outside income can use the funds to buy new ships, planes or other equipment. Now Adm. Flanagan, perhaps with more determination than most senior officers, is trying to get his subordinates on board. His reasoning: The Navy's job remains ''to fight and win.'' he says, but, in an era of shrinking budgets, it can't win ''unless we learn to look more like GE than USN.''

When he found the Norfolk base renting several hundred vans it didn't need and its overstaffed golf course losing vast sums, he didn't ''shoot anybody'' but got the problems corrected, he says. ''If you start assessing fear and blame,'' he adds, waste simply goes ''underground.'' Instead, he praises managers who improve matters.

Meanwhile, the first new business was peering through the front gate. Lured by hulking carriers moored at the docks, some 350,000 visitors showed up at base entrances every year, but most couldn't get past the guards. So in October, the admiral removed the guards from the gates. ''It took some old salts here some time to get used to it,'' recalls Norfolk's mayor, Paul Fraim.

Before long, tour buses will call at a new, privately owned marina and restaurant, which will share any profits with the base, and a ''Welcome Center'' complete with souvenir shops. Naval Number-crunchers—more use to counting munitions—expect 500,000 tourists this year, causing one naval officer to exult: ''When they each buy a baseball cap at $6 a pop, we've just made $3 million!''

Nearbly Norfolk International Terminals is also pleased. Cramped for space, it finds itself inundated by two million bags of cocoa beans after a market upheaval. For years, Robert Bray, executive director of the Virginia Port Authority, which runs it, had sought access to empty Navy warehouses just across the fence but found ''the answer was always no.''

BARTER DEAL PROPOSED

Adm. Flanagan said yes. But he wants a billion-dollar barter deal; if the terminal will load cargo onto Navy ships, it can build storage facilities on unused naval property. Under the projected agreement, the railroad serving the terminal could use Navy land, allowing it to operate longer freight trains. Both the terminal and the base would gain cargo capacity.

Another possible deal that interests Adm. Flanagan involves Willoughby spit, a landfill area with 440 somewhat-shabby Navy apartments—each needing $70,000 of renovation. Two local developers see opportunity—prime waterfront land for a hotel-office-marina complex and townhouses. Monica R. Shephard, the Navy's negotiator, hopes to lease out the site on a long-term basis and use the revenue to finance better naval housing elsewhere. However, civilian tenants would be warned they could be temporarily locked off the base in a national emergency.

In addition, many other tacky, prefab buildings are coming down. Adm. Flanagan, who first came here as a freighter crewman in 1964, remembers even then wondering why so many ''temporaries'' were still around. As the landlord, he found 132 Navy tenants, some with no direct connection to his base's mission, and told them to pay rent or ship out. ''The goal is to make people aware that this stuff isn't free. . . . We are in a limited-resources game,'' he explains.

REPAIR FACILITIES CONSOLIDATED

His staffers also have consolidated 13 electric-motor repair facilities into one and have cut some 30 instrument-calibration shops to five. The savings so far: about $39 million. And Rear Adm. Art Clark, the Atlantic fleet's chief maintenance officer, says he can cut more.

Not all this pleases private repair yards. They invested heavily in drydocks and piers when President Reagan wanted a 600-ship Navy, and now they fear that the Navy will do more of its own work.

J. Douglas Forrest, vice president of Collona's Shipyard Inc., a family business operating here since 1875, grumbles about naval officers going to ''90-to-120-day whizbang programs at Harvard, so then they can deal in the financial world.'' Nothing personal, he adds quickly. ''People like Bud Flanagan broke the Red Navy. . . . They're great guys. . . . But the Navy never prepared them for making all the decisions that have been forced upon them by a government that is downsizing.''

Adm. Flanagan, too, sometimes longs for the days when ''win the war'' was the Navy's bottom line: ''that was easy. You just got up in the morning and followed the plan.''

CONGRATULATIONS TO CAPT. JOHN ''TAL'' MANVEL, U.S. NAVY

Mr. NUNN. Mr. President, I would like to take this opportunity to recognize Navy Capt. John ''Tal'' Manvel who has been named the Navy's program manager for the next generation aircraft carrier. Until this assignment, Captain Manvel had been serving as the Executive Assistant to Assistant Secretary of the Navy for Research, Development and Acquisition John Douglass, where he established an outstanding record of service. Navy acquisition has benefited greatly from Captain Manvel's professional advice to the Assistant Secretary Douglass.

Captain Manvel's next assignment carries a very important responsibility. The aircraft carrier is the backbone of our Navy. With a 50-year expected life cycle—greater than any other weapon platform in the Navy—over 80,000 men and women will serve aboard each of these new ships during their life as well as several generations of Naval aircraft. As the program manager for the next generation aircraft carrier, Captain Manvel's influence on our Navy will be evident for more than a half century.

Captain Manvel has broad experience as both an acquisition professional and as a naval engineer with experience onboard aircraft carriers, including duty as chief engineer onboard the *U.S.S. America* (CV 66). He is superbly suited to lead this project. I know my colleagues join me in congratulating Captain Manvel on his new assignment and in wishing him continued success in his career of service to the Navy and our country.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 3, the Federal debt stood at $5,226,657,169,759.06.

Five years ago, September 3, 1991, the Federal debt stood at $3,617,116,000,000.

Ten years ago, September 3, 1986, the Federal debt stood at $2,110,332,000,000.

Fifteen years ago, September 3, 1981, the Federal debt stood at $979,575,000,000.

Twenty-five years ago, September 3, 1971, the Federal debt stood at $414,181,000,000, an increase of more than $4,812,476,169,759.06 in the past 25 years.

MESSAGES FROM THE HOUSE

At 6:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3269) to amend the Impact Aid Program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3833. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmittng, pursuant to law, a notice of the intent to exempt all millitary personnel accounts from sequester for fiscal year 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and Committee on Armed Services.

EC–3834. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated August 1, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition, and Forestry, Committee on Armed Services, Committee on Finance, Committee on Foreign Relations, and the Committee on Governmental Affairs.

EC–3835. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for fiscal year 1997; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC–3836. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the eighth special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and the Committee on Finance.

EC–3837. A communication from the Secretary of Defense, transmitting, pursuant to law, the second semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1995; referred jointly, pursuant to Section 1208 of Public Law 103–160, to the Committee on Appropriations, to the Committee on Armed Services, and to the Committee on Foreign Relations.

EC–3838. A communication from the Secretary of Education, transmitting, pursuant to law, the third biennial report on vocational education data the performance standards and measurement systems developed by States for their vocational education programs; to the Committee on Labor and Human Resources.

EC–3839. A communication from the Commissioner of the National Center For Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled ''Quality and Utility: The 1994 Trial State Assessment in Reading''; to the Committee on Labor and Human Resources.

EC–3840. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled ''Indian Fellowship and Professional Development Programs,'' (RIN1810–AA79) received on August 27, 1996; to the Committee on Labor and Human Resources.

EC–3841. A communication from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting, pursuant to law, the rule entitled ''Scaffolds Used in the Construction Industry,'' (RIN1218–AA40) received on August 28, 1996; to the Committee on Labor and Human Resources.

EC–3842. A communication from the Office of the Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption To Permit Certain Authorized Transaction Between Plans and Parties in Interest,'' received on August 1, 1996; to the Committee on Labor and Human Resources.

EC–3843. A communication from the Administrator of the Wage and Hour Division, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Regulations to Implement Amendments to Federal Contract Labor Laws by the Federal Acquisition Streamline Act of 1994,'' (RIN 1215–AA96) received on July 30, 1996; to the Committee on Labor and Human Resources.

EC–3844. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Regulations Relating to Definition of 'Plan Assets'—Participant Contributions,'' (RIN1210–AA53) received on August 19, 1996; to the Committee on Labor and Human Resources.

EC–3845. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption to Permit the Restoration of Deliquent Participant Contributions to Plans,'' received on August 8, 1996; to the Committee on Labor and Human Resources.

EC–3846. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule relative to affirmative action and nondiscrimination obligations of contractors and subcontractors, (RIN1210–AA62, 1215–AA76) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3847. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule relative to Job Training Partnership Act intertitle transfer of funds, received on August 27, 1996; to the Committee on Labor and Human Resources.

EC–3848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrition Labeling, Small Business Exemption,'' (RIN0910–AA19) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3849. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrient Content Claims and Health Claims; Restaurant,'' (RIN0910–AA19) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3850. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Medical Device Reporting; Baseline Reports; Stay of Effective Date,'' (RIN0919–AA19) received on August 8, 1996; to the Committee on Labor and Human Resources.

EC–3851. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Standards: Amendment of Standards of Identity for Enriched Grain Products to Require Addition of Folic Acid; Correction,'' (RIN0919–AA19) received on August 12, 1996; to the Committee on Labor and Human Resources.

EC–3852. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to current good manufacturing pratices, received on July 25, 1996; to the Committee on Labor and Human Resources.

EC–3853. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to medical device distributor and manufacturer reporting, (RIN0919–AA09) received on July 26, 1996; to the Committee on Labor and Human Resources.

EC–3854. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Sugar Alcohols and Dental Caries,'' received on August 23, 1996; to the Committee on Labor and Human Resources.

EC–3855. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to food labeling guidelines, (RIN0919–AA19) received on August 27, 1996; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 2052. A bill to provide for disposal of certain public lands in support of the Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. D'AMATO, and Mr. SHELBY):

S. 2053. A bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes; read the first time.

By Mr. COCHRAN:

S. 2054. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

By Mrs. BOXER:

S. 2052. A bill to provide for disposal of certain public lands in support of the

Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

● Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would allow the Federal Government to obtain expeditiously the lands designated as the Manzanar National Historic Site.

As we look back in United States history, we see many triumphs, as well as many failures. We must be humble about our successes and apologetic for our errors. One of those mistakes was committed during World War II when 11,000 Japanese-Americans were held at the Manzanar Internment Camp. These individuals were some of the over 120,000 Japanese-Americans interned at 10 sites throughout the United States.

While we revel in the victory of World War II, we also make redress for the suffering that Japanese-Americans endured as a result of the internment. Legislation passed in 1988 directed an official apology by the Federal Government and symbolic payments to Japanese Americans that were interned. This legislation also included efforts to educate Americans about the internment.

The National Park Service determined in the 1980's that, of the 10 former internment camps, Manzanar was best suited to be preserved as a reminder to Americans of the blatant violation of civil rights that the internment represented. As a result, Congress passed legislation in 1992 to establish a national historic site at Manzanar.

My legislation will allow us to finish the process of creating the Manzanar national historic site and complete a necessary acknowledgment of mistaken practices. The bill will make it possible for the Federal Government to obtain the Manzanar site through a land exchange with the Los Angeles Department of Water and Power [LADWP], which currently owns the property. The LADWP, the National Park Service, the Bureau of Land Management, and Inyo County have agreed to a land exchange that can occur rapidly once our legislation is passed. I commend these parties, as well as the Manzanar National Historic Site Advisory Commission and the Japanese-American community, for their work in bringing us to this stage in the process. I also deeply appreciate the commitment of my colleagues in the House, Congressman BOB MATSUI and Congressman JERRY LEWIS.

In addition to the cultural significance of this legislation, the land transfer will allow for the completion of a necessary environmental restoration project. Through an agreement between the LADWP and Inyo County, 60 miles of the Owens River Valley will be revived—wetlands will be restored, riparian areas will be renewed, and wildlife will again thrive.

The injustice that occurred at Manzanar should not be forgotten. Manzanar should be preserved as a reminder of a terrible mistake—one which should never have been committed and one we should never repeat. I urge my colleagues to support this bill, so that we can quickly make the Manzanar national historic site a reality and instill in our citizens a high level of public awareness about the internment.●

By Mr. GRASSLEY (for himself, Mr. D'AMATO, and Mr. SHELBY):

S. 2053. A bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes; read the first time.

NARCOTICS TRAFFICKING LEGISLATION

Mr. GRASSLEY. Mr. President, I am introducing legislation today to revise the annual certification process for drugs. It is called the International Narcotics Control Act of 1996.

Ten years ago, Congress passed bipartisan legislation in the Foreign Assistance Act that requires the President to report annually on international illegal drug production. That legislation also requires him to certify annually to the American public what major drug producing and transiting countries are doing to cooperate with international efforts to stop the production and transit of illegal drugs.

Virtually all the illegal drugs that come to the United States reach our shores from overseas. These drugs—particularly heroin and cocaine—are illegal to grow and produce in their countries of origin. In addition, these same major producers of illegal drugs are also signatories to various international agreements that commit them to stop this terrible trade. The certification legislation has the practical goal of giving us a realistic gage by which to determine whether others are doing their fair share in stopping illegal drugs.

The legislation of 10 years ago also encourages U.S. administrations to make stopping illegal drugs a foreign policy priority. It has also been instrumental in encouraging greater cooperation by other countries in taking meaningful steps to deal with illegal drug production and transportation.

We and others in the international community expect each nation—producer or consumer—to take serious measures to stop the flow or use of illegal drugs. Unfortunately, not all countries have undertaken such efforts.

When these countries fall short of reasonable standards, the certification legislation requires the President to take note of this. In serious cases, it requires him to decertify a country if that country's efforts fall short of meaningful, credible cooperation.

It also requires the imposition of sanctions on countries that fail to take effective action against the production and trafficking of illegal drugs. These sanctions, however, have no real teeth. They are mainly an embarrassment.

Although there are tough sanctions available, in the Narcotics Control Trade Act, these are optional and have never been used. This is true even though some of the decertified countries, like Burma, have been on the list almost since the list was started. To many decertified countries, then, embarrassment is hardly a serious concern. For others, once they learn how limited the practical effects are, embarrassment soon disappears. It is time, therefore, to update the present legislation and to give it more realistic measures to encourage serious cooperation. This is even more important at a time when illegal drug production is growing overseas and teenage use in this country is on the rise.

The legislation I am proposing today puts more force behind our policy. It introduces serious sanctions for noncooperation. These sanctions would not take effect until the third year of decertification. They are, therefore, not arbitrary. It allows ample time for a country to improve its record. In addition, the proposed sanctions are more flexible than the present ones, which means they are more realistic. They give the President greater ability to use meaningful sanctions against countries that he determines are not living up to reasonable standards. If the administration has seen fit to decertify a country for 3 consecutive years, it is fitting that we take steps to support that judgment. This legislation does that.

In an effort to strengthen the reporting and certification process, this legislation would require the President to include information on the bilateral trade relationship between the United States and each country. This information will be necessary to evaluate the potential effect of various sanctions. Trade sanctions are perhaps one of the most powerful tools we have to put pressure on foreign governments, and also one of the least used. This legislation, however, gives us an effective tool for the future.

In addition, this legislation will require an update from the president on the status of cooperation of any country that did not receive full certification. As this information is already gathered throughout the year, and would only apply to a small number of countries—nine from 1996—this should not be a significant additional burden for the State Department.

This legislation also would codify additional items that should be taken into consideration regarding cooperation.

These cover changes in the drug trafficking industry that have occurred since certification was enacted in 1986. It also considers additional cooperation benchmarks that were unnecessary 10 years ago: such as, the better inspection of loaned or leased U.S. equipment; certification of the destruction of confiscated illegal drugs; and,

enforcement of adequate confinement so that narco-traffickers cannot continue their activities from inside prisons.

The present legislation also contains a provision for reporting on extraditions. Congress has had considerable difficulty in getting information from the State Department or the Justice Department on pending extraditions. Often, the first notice that an extradition has been agreed to is discovered in the morning paper, weeks after the extradition occurred. In an effort to shed more light on extraditions, this legislation would require a notice to Congress of any extradition agreement that has been reached. It has very simple requirements. And it will increase information on what the United States is giving up in order to reach these extradition agreements.

This legislation also expands the trade sanctions that are available for the President to choose from to penalize countries that do not adequately participate in drug efforts. Presently, there are five sanctions which the President may implement. This legislation adds five more sanctions to this list, both more and less severe than those presently available.

These sanctions include withdrawal of U.S. personnel and resources from participation in any Customs preclearance; denial of trade benefits under any existing free-trade area agreements; refusal to begin or continue negotiations on the establishment of a free trade area; denial or restriction of applications for immigrant or nonimmigrant visas; increased inspection standards to at least 35 percent for goods coming in; and denial of export of U.S. products or importation from that country.

Implementation of these sanctions are at the President's discretion for the first 2 years that a country is decertified. If a country is fully decertified or receives a national interest waiver for 3 consecutive years, then the President must choose and implement at least one of the listed sanctions. These sanctions will remain in effect until a country receives full certification.

The third change to the certification process that this legislation would make are changes in the international narcotics control strategy report.

These added reporting requirements identify what action the United States has taken under section 487—official corruption—of the Foreign Assistance Act and how the country has been affected by its implementation. Also, the report should indicate how a country has been affected economically by the production and trafficking in illegal drugs, and how and where U.S. equipment are being used. And finally, any country that is defined as a major money laundering country will be treated as a major drug transit or drug producing country.

These proposed changes enhance the ability of the United States to encourage full international cooperation in dealing with the illegal drug trade. The provisions are fully in keeping with reasonable standards of international conduct. They are a serious part of making the stopping illegal drugs an important part of our foreign policy. There are fewer more direct and dangerous threats to our citizens today than that posed by illegal drugs. It is time to take the next step in ensuring that we are taking the responsible measures to control international drug trafficking.

That's why I am introducing this legislation today. I urge my colleagues to review this legislation and support this change.

By Mr. COCHRAN:

S. 2054. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION ACT OF 1965 AMENDMENT ACT OF 1996

● Mr. COCHRAN. Mr. President, today I am introducing legislation to provide regulatory relief to small-and medium-sized financial institutions and protect the availability of student loans.

In the Higher Education Amendments of 1992, Congress required financial institutions participating in the Federal Family Education Loan [EFEL] Program to audit their student loan portfolios.

Unfortunately, this change did not take into account the impact this audit requirement would have on lenders with small student loan portfolios. These small lending institutions earn only a few thousand dollars annually, while the audit costs as much or more.

As a result of this prohibitively expensive and unnecessary audit requirement, many lenders are selling off their portfolios and leaving the FFEL Program altogether.

The Department of Education has indicated they do not have the authority to waive the audit requirement. Further, the Department has informed those with loan portfolios of less than $10 million that, while they must perform the audits annually, the audit results shall be submitted to the Department only upon request. Thus, much of the time and money spent on these audits will be wasted.

The inspector general indicated in its semiannual report that they were concerned that the costs of legislatively required annual audits may outweigh the benefits. The inspector general has recommended that the Department take steps to establish in legislation a threshold for requiring these audits.

My legislation would eliminate the lender audit on institutions with portfolios equaling $10 million or less. Without the change in current law lending institutions will continue to sell off their portfolios, leave the FFEL Program, and reduce the opportunities for our Nations' students.

I urge my colleagues to support this much needed reform.●

ADDITIONAL COSPONSORS

S. 706

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 706, a bill to prohibit the importation of goods produced abroad with child labor and for other purposes.

S. 1417

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1417, a bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met.

S. 1660

At the request of Mr. GLENN, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1712

At the request of Mr. DORGAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1712, a bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes.

S. 1797

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1954

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1954, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 1984

At the request of Mr. GRAHAM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1984, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require a 10-percent reduction in certain assistance to a State under such title unless public safety officers who retire as a result of injuries sustained in the line of duty continue to receive health insurance benefits.

S. 1987

At the request of Mr. FAIRCLOTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and

Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 2024

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 2024, a bill to amend the Public Health Service Act to provide a one-stop shopping information service for individuals with serious or life-threatening diseases.

SENATE RESOLUTION 277

At the request of Mr. CRAIG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of Senate Resolution 277, a resolution to express the sense of the Senate that, to ensure continuation of a competitive free-market system in the cattle and beef markets, the Secretary of Agriculture and Attorney General should use existing legal authorities to monitor commerce and practices in the cattle and beef markets for potential antitrust violations, the Secretary of Agriculture should increase reporting practices regarding domestic commerce in the beef and cattle markets (including exports and imports), and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

MCCAIN AMENDMENT NO. 5176

Mr. MCCAIN proposed an amendment to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 75, line 10, after word ''expended'' insert the following: ''*Provided*, That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of marinas or golf courses except for debris removal: *Provided further*, That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks: *Provided further*, That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

MCCAIN (AND OTHERS) AMENDMENT NO. 5177

Mr. MCCAIN (for himself, Mr. GRAHAM, and Mr. KYL) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans who have similar economic status, eligibility priority, or medical conditions and who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network and the Resource Planning and Management System developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

BUMPERS (AND OTHERS) AMENDMENT NO. 5178

Mr. BUMPERS (for himself, Mr. KERRY, Mr. JEFFORDS, Mr. KOHL, Mr. SIMON, Mr. WELLSTONE, Mr. BRYAN, Mr. FEINGOLD, Mr. LEAHY, Mr. BRADLEY, and Mr. WYDEN) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 82, strike lines 6 through 7, and insert in lieu thereof the following: ''sion and administrative aircraft, $3,762,900,000, to remain available until September 30, 1998: *Provided*, That of the funds made available in this bill, no funds shall be expended on the space station program, except for termination costs.''

THOMAS AMENDMENT NO. 5179

Mr. THOMAS proposed an amendment to the bill, H.R. 3666, supra; as follows:

In Title III, at the end of the subchapter entitled: Council on Environmental Quality and Office of Environmental Quality, strike ''$2,436,000.'' and insert in lieu thereof ''$2,250,000.''

THOMAS AMENDMENT NO. 5180

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, H.R. 3666, supra; as follows:

Add a new section to the end of Title IV stating: ''No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.''

BOND AMENDMENT NO. 5181

Mr. BOND proposed an amendment to the bill, H.R. 3666, supra; as follows:

Insert at the appropriate place at the end of the section on HUD:

''SEC. . REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.

The Secretary of Housing and Urban Development shall maintain all current requirements under part 10 of the Department of Housing and Urban Development's regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

SHELBY AMENDMENT NO. 5182

Mr. BOND (for Mr. SHELBY) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the end of title I, add the following:

SEC. 108. (a) The Secretary of Veterans Affairs may convey, without consideration, to the City of Tuscaloosa, Alabama (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the northwest quarter of section 28, township 21 south, range 9 west, of Tuscaloosa County, Alabama, comprising a portion of the grounds of the Department of Veterans Affairs medical center, Tuscaloosa, Alabama, and consisting of approximately 9.42 acres, more or less.

(b) The conveyance under subsection (a) shall be subject to the condition that the City use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(c) The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of Veterans Affairs. The cost of such survey shall be borne by the City.

(d) The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

BOND AMENDMENT NO. 5183

Mr. BOND proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 72, beginning on line 11, strike the phrase beginning with '', but if no drinking water'' and ending with ''as amended'' on line 15.

BENNETT AMENDMENT NO. 5184

Mr. BOND (for Mr. BENNETT) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place insert:

SEC. . GAO AUDIT ON STAFFING AND CONTRACTING.

The Comptroller General shall audit the operations of the Office of Federal Housing

Enterprise Oversight concerning staff organization, expertise, capacity, and contracting authority to ensure that the office resources and contract authority are adequate and that they are being used appropriately to ensure that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are adequately capitalized and operating safely.

SARBANES (AND OTHERS) AMENDMENT NO. 5185

Ms. MIKULSKI (for Mr. SARBANES, for himself, Mr. WARNER, Mrs. FEINSTEIN, and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

SEC. 421. None of the funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of the enactment of this Act, may be used by the Administrator of the National Aeronautics and Space Administration to relocate aircraft of the National Aeronautics and Space Administration to Dryden Flight Research Center, California, for purposes of the consolidation of such aircraft.

THE ANTARCTIC SCIENCE TOURISM AND CONSERVATION ACT OF 1996

STEVENS AMENDMENT NO. 5186

Mr. BOND (for Mr. STEVENS) proposed an amendment to the bill (S. 1645), a bill to regulate U.S. scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Antarctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that S. 150, a bill to authorize an entrance fee surcharge at the Grand Canyon National Park and S. 340, a bill to direct the Secretary of the Interior to conduct a study concerning equity regarding entrance, tourism, and recreational fees for the use of Federal lands and facilities have been deleted from the agenda of bills to be heard at the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources on Thursday, September 12, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 18, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1920, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1998, a bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilchik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation, and Knikatnu, Inc. regarding the Conveyances of certain lands in Alaska under the Alaska Native Claims Settlement Act, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 4, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1678, to abolish the Department of Energy, and for other purposes.

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

SUBCOMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 11:30 a.m., to hold an executive business meeting.

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

SUBCOMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 2 p.m. to hold a hearing on ''Teenage Drug Use: The Recent Upsurge.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 2 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

SMALL BUSINESS JOB PROTECTION ACT

● Mr. FAIRCLOTH. Mr. President, the Senate passed the Small Business Job Protection Act, but I voted against the final bill. I ran for the Senate on a pro-growth and low-tax platform. This bill is a step in the wrong direction. I cannot vote for a bill that raises the minimum wage and thus closes opportunities for thousands of low-skill workers and that raises numerous taxes on the American people and businessmen. However, I will say a few words in support of certain provisions of H.R. 3448, which do, in fact, benefit the public interest.

The bill includes provisions that will contribute to increased savings, higher wages, and improved economic growth. These are three of our most important economic challenges, and, Mr. President, I wish to express my belief that provisions of this bill begin to address these issues.

I am a strong supporter of the expansion of tax-deferred individual retirement accounts [IRA's] to permit nonworking spouses to establish an account and thus defer taxes on a maximum of $2,000 per year. This homemaker IRA provision, which I have cosponsored as a separate bill, is an important tool for families and their efforts to plan for retirement. In fact, over 30 years at a 6 percent rate of return, the homemaker IRA can add close to $150,000 to retirement savings.

The previous law limited a nonworking spouse to a $250 maximum IRA contribution, and, as women often leave the work force to raise their families, the homemaker IRA will help to offset the effects of their smaller pensions. The homemaker IRA thus offers significant assistance to these spouses in their efforts toward a secure retirement.

The pension simplification provisions are an important contribution to the long-term financial security of our citizens. These measures are designed for the benefit of working Americans and will permit small businesses to establish pension plans for their employees. Further, these measures encourage savings and bring additional safeguards to pension plans, which will ensure the financial independence of millions of Americans in their retirement. The bill also includes a provision to clear up longstanding problems that plague church pension plans and will ensure that clergymen will not face unanticipated additional taxes on their modest pensions.

The extension of the tax exclusion for educational assistance is another important aspect of this legislation. This provision will extend the exclusion for those who benefit from employer-provided tuition assistance. There is no reason to penalize workers for the generosity of their employers. The Tax Code cannot ignore the national interest in a well-educated and highly skilled work force.

This bill also includes numerous commonsense tax provisions. The limited extension of the orphan drug tax credit will renew credits to defray the costs of clinical tests for drugs designed to treat rare diseases. The bill also extends the research and experimentation tax credit to encourage investment in innovative approaches and new technologies.

I believe that economic growth is one of our most important concerns—growth has been anemic since President Clinton pushed through his record tax increases of 1993 without a single Republican vote—and the growth provisions will begin to address this issue. The bill boosts the allowance for small business equipment expensing and extends the work opportunity tax credit that brings low-skill people into the work force. Unfortunately, however, the minimum wage increase will erect additional hurdles for those in search of job opportunities.

The minimum wage increase is good politics, but, Mr. President, it is bad economics. It will result in job losses for hundreds of thousands of people in low-skill jobs. It will become prohibitively expensive to hire these workers at increased wages. Further, the increased minimum wage will result in inflationary ripples through the economy as wage costs drive up prices. I also believe that the minimum wage increase is, in effect, an unfunded mandate that will increase labor costs for State and local governments and thus boost tax rates.

If we are serious about growth and the expansion of opportunity, Mr. President, this Congress will focus its attention on small business incentives and pension reforms, not minimum wage increases. We will bring economic opportunities to millions of Americans through elimination of the barriers to entry-level jobs rather than congressional efforts to set wages. After all, the typical worker earns the minimum wage for just a brief period, and the minimum wage is a way-station rather than a destination in American careers.

I wish that the Congress passed a bill that I could support, and, yet, I believe that our obligation is to the Americans of the next generation rather than the political imperatives of the next election. There are some good provisions in this bill, but there are provisions to which I cannot lend my support, and I thus voted against the bill.●

THE 15TH ANNIVERSARY OF EAST SHORE REGIONAL ADULT DAY CENTER

● Mr. LIEBERMAN. Mr. President, I rise today to honor the East Shore Regional Adult Day Center on the occasion of their 15th anniversary.

For the past 15 years, the Adult Day Center has been serving the needs of the elderly and the disabled with loving care. The center has provided medical monitoring, recreational therapeutic treatment, and innovative programs to the mentally and physically challenged adults of the Connecticut community. Over 600 families from the Greater New Haven area have been granted respite from the Adult Day Center and both the State and the Nation have recognized the center with awards for service and humanitarianism.

The East Shore Regional Adult Day Center's dedication and commitment to the citizens of Connecticut can be seen not only through its continued efforts to provide clients and families with comfort and support, but also in its Intergenerational Program, a program designed to involve children from various local schools in the area in activities at the center.

I am confident that I speak for all of the citizens of Connecticut in expressing pride and gratitude for the East Shore Regional Adult Day Center as it celebrates its 15th anniversary. The executive director, Thomas Russell Romano, and his staff have committed themselves to providing much needed care and treatment for the people of Connecticut.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through August 2, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget—House Concurrent Resolution 67, show that current level spending is above the budget resolution by $15.6 billion in budget authority and by $14.3 billion in outlays. Current level is $45 million below the revenue floor in 1996 and $7.8 billion above the revenue floor over the 5 years, 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $259.9 billion, $14.2 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated July 29, 1996, Congress has cleared and the President has signed the 1997 Agriculture appropriations bill (Public Law 104–180, which includes a 1996 supplemental, the Small Business Job Protection Act—Public Law 104–188, the Health Insurance Portability and Accountability Act of 1996—Public Law 104–191, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—Public Law 104–193. These actions have changed the current level of budget authority, outlays, and revenues.

This submission also includes my first report for fiscal year 1997, reflecting congressional action through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget House Concurrent Resolution 178.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 29, 1996, the Congress has cleared and the President has signed the 1997 Agriculture Appropriations Bill (P.L. 104–180), which includes a 1996 supplemental, the Small Business Job Protection Act (P.L. 104–188), the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191), and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193). These actions have changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In billions of dollars]

	Budget resolution H. Con. Res. 67	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority[1]	1,285.5	1,301.1	15.6

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996—Continued

[In billions of dollars]

	Budget resolution H. Con. Res. 67	Current level	Current level over/ under resolution
Outlays [1]	1,288.2	1,302.4	14.3
Revenues:			
1996	1,042.5	1,042.5	0.0
1996–2000	5,691.5	5,699.3	7.8
Deficit	245.7	259.9	14.2
Debt Subject to Limit	5,210.7	5,092.8	−117.9
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security Revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,060.6	−0.4

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Ninth Continuing Resolution (P.L. 104–99) [2]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
1997 Agriculture (P.L. 104–180)	−4		
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [3]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback-Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [4]			
Farm Credit System Regulatory Releif Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 104–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(1)
Antiterroriam and Effective Death Penalty Act (P.L. 104–132)			2
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164)	−72	−72	
The Taxpayer Bill of Rights 2 (P.L. 104–168)			−30
Small Business Job Protection Act (P.L. 104–188)			92
Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191)		10	62
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	104		
An Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1)		1	
An Act for the Relief of Nathan C. Vance (Pvt. L. 104–2)	(1)	(1)	
Total enacted second session	292,727	201,679	88
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
TOTALS			
Total Current Level [5]	1,301,085	1,302,434	1,042,545
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			−45
Over Budget Resolution	15,570	14,274	

[1] Less than $500,000.

[2] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[3] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996, for specific appropriated accounts.

[4] The effects of this act on budget authority, outlays, and revenues begin in fiscal year 1997.

[5] In accordance with the Budget Enforcement Act, the total does not include $4,785 million in budget authority and $2,686 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report, my first for fiscal year 1997, shows the effects of Congressional action on the 1997 budget and is current through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In billions of dollars]

	Budget resolution H. Con. Res. 178	Current level	Current level over/ under resolution
ON-BUDGET			
Budget Authority	1,314.8	844.5	−470.2
Outlays	1,311.0	1,032.0	−279.0
Revenues:			
1997	1,083.7	1,101.6	17.8
1997–2001	5,913.3	6,012.7	99.4
Deficit	227.3	−69.6	−269.9
Debt Subject to Limit	5,432.7	5,041.5	−391.2
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security Revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.6	−0.4

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE 104TH CONGRESS, 2D SESSION SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,100,355
Permanents and other spending legislation	843,212	804,226	
Appropriation legislation		238,509	
Offsetting receipts	−199,772	−199,772	
Total previously enacted	643,440	842,963	1,100,355
ENACTED THIS SESSION			
Appropriations Bills:			
Agriculture (P.L. 104–180)	52,345	44,936	
Authorization Bills:			
Taxpayer Bill of Rights 2 (P.L. 104–168)			−15
Federal Oil & Gas Royalty Simplification & Fairness Act of 1996 (P.L. 104–185)	−2	−2	
Small Business Job Protection Act of 1996 (P.L. 104–188)	−76	−76	579
An Act to Authorize Voluntary Separation Incentives at A.I.D. (P.L. 104–190)	−1	−1	
Health Insurance Portability & Accountability Act of 1996 (P.L. 104–191)	305	315	590
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	−2,341	−2,934	60
Total enacted this session	50,230	42,238	1,214

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE 104TH CONGRESS, 2D SESSION SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS AUGUST 2, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	150,853	146,763	
Total Current Level[1]	844,523	1,031,964	1,101,569
Total Budget Resolution	1,314,760	1,311,011	1,083,728
Amount remaining:			
Under Budget Resolution	470,237	279,047	
Over Budget Resolution			17,841

[1] In accordance with the Budget Enforcement Act, the total does not include $37 million in outlays for funding of emergencies that have been designated as such by the President and Congress.•

SOUTHERN MARYLAND'S HISTORY—THE 100TH ANNIVERSARY OF THE CHARLES COUNTY COURTHOUSE

• Mr. SARBANES. Mr. President, Southern Maryland is rich in history—a history that has helped make our State and our Nation great. Southern Maryland is also the fastest growing part of the State of Maryland with thousands of jobs coming into the area as a result of the favorable recommendations of the Base Realignment and Closure Commission.

On September 8 in Charles County, the region pauses from the hustle and bustle in the area to mark a milestone in Southern Maryland's history with the 100th anniversary celebration of the Charles County Courthouse in the Town of LaPlata.

The Maryland Independent on September 4 included a supplement to its newspaper on the history of the Charles County Courthouse and its initiation through construction and subsequent additions.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Maryland Independent, Sept. 4, 1996]

ONE HUNDRED YEARS OF COURTHOUSE HISTORY

The 1896 courthouse is the last of four structures the county judicial and administrative bodies have occupied in the county's 338 years. In 1674, a building was erected at Moore's Lodge about one mile from La Plata. This building was abandoned in 1728, and the Charles County Court moved to Port Tobacco where the Maryland State Assembly authorized the building of a jail and a new courthouse.

Over time, the 1727–30 building became old and inadequate and a new courthouse was occupied by September 1821. It is this building that was destroyed by fire in 1892 in the midst of a bitter controversy over moving the courthouse to La Plata, and in 1896 a brick Victorian Gothic edifice was built on the present site.

The front facade was renovated in 1954 as it is seen today. In the middle 1970s, the rear of the building was extended in a typical 18th-century style, completely enclosing the 1896 structure.

THE FIRST COURTHOUSE

Charles County, named for Lord Baltimore's son and heir apparent, Charles Calvert, was formally established in 1658. The court sat for the first time on May 25, 1658, and it is believed its first meetings were held at what is now Port Tobacco; however, there is no indication in the earliest records that this was the case. The first two volumes of the court records covering the period 1658–66 mention the exact meeting place only twice: ''At A Counties Court Held at Humpherie Atwikses the 4th of June A 1658,'' and ''The Court is Adiourned until the 12th of March A 1660 & appoynted to bee held at Clement Theobals hows.''

According to the plaque in the 1954 addition to the present courthouse, the first Charles County Courthouse was built in 1658 and it is described as ''One room built of logs, located on the western shore of Port Tobacco Creek.''

COURTHOUSE AT MOORE'S LODGE

It was not until 1674 that a permanent location for a courthouse and prison was decided on. In the late fall of 1674, the county entered into a contract with John Allen to purchase Moore's Lodge, a one-acre tract of land on which Allen was then building a house. For a consideration of 20,000 pounds of tobacco, Allen contracted to have both the prison, a simple building, and the courthouse, which was of the cross style, ready for use by May 1675.

The clapboard-sheathed, timber-framed structure built in 1674 was located a mile south of La Plata and eventually abandoned in 1728. The courthouse, a one-story, one-room building with two small shed rooms at the rear, a two-story porch tower centered on the front and a brick outside chimney at one end, was initially intended for use as a dwelling.

Apparently Allen found himself unable to fulfill his agreement for at the January term, 1677, Thomas Hussey was given 20,000 pounds of tobacco for finishing the courthouse and the two rooms in the shed behind, ''all of this to be done by September court following.''

In 1682, after eight years of service, the courthouse was lengthened by 10 feet to provide for a ''seat of Judicature.'' In September 1692, it was noted that the 1682 addition ''wherein ye seat of judicature is, is very leaky.''

In 1699, 25 years after its initial construction, the courthouse had to be almost entirely rebuilt. Work included extensive repairs to the supporting frame and replacement of the original chimney, exterior sheathing, floors, stairs, doors and windows. The rear shed rooms were removed and a 20-foot square room ''with an Outside Chimney & Closett'' was erected in their place Despite this extensive renovation, the courthouse required further substantial repairs by 1715.

About 10 years after the repairs, the building was again ''impaired, ruined and decayed.'' After deciding they had spent more than enough money and effort to keep the building standing, the commissioners petitioned the Assembly to build a new courthouse and prison on a site adjacent to the port settlement known as Chandler Town, then Charles Town and later as Port Tobacco. In 1731, the courthouse at Moore's Lodge was demolished and sold for salvage.

COURTHOUSE AT CHANDLER TOWN—CHARLES TOWN—PORT TOBACCO

In 1727, permission was granted to build a new courthouse . . .

''That the Justices of Charles County-court...are hereby authorized . . . to go to such Place commonly known by the name of Chandler-Town, on the East Side of Port-Tobacco Creek . . .''

Once the site had been chosen and the courthouse was under construction, the Assembly passed another act permitting the

laying out of land and erecting a town adjacent to the new courthouse and the name was to be changed from Chandler Town to Charles Town.

There perhaps has been a settlement at Chandler Town as early as 1686, but by 1727 the buildings were in ruin or gone and titles uncertain. A commission was chosen to select three acres within the town to be surveyed for the new courthouse and to fix a fair price. The survey was completed on Dec. 20, 1727, and the price was 2,000 pounds of tobacco. The commission then contracted with Robert Hanson and Joshua Doyne to build a courthouse and prison, stocks and pillory for 122,000 pounds of tobacco. Since the specifications for the building were lost, there is no information available on the structure other than it was probably brick because of the cost.

The date it was completed is confirmed by a note in the court proceedings of Aug. 11, 1730:

''The Court adjourns til tomorrow morning Eight o'clock to meet at the new Court house in Charles Town.''

SECOND COURTHOUSE AT CHARLES TOWN—PORT TOBACCO

The 1727–30 building became old and inadequate, and the effort to replace it began with the demand for a new jail. In 1811, an act was passed to permit the Levy Court of Charles County to raise $2,000 for this purpose.

Four years later, the commissioners, who had been appointed to build the jail, were authorized to levy an additional $3,000 in the same manner and to devote the entire sum to the building of a new courthouse at Charles Town, and nothing more is mentioned about the jail. The courthouse could not be finished for the amount estimated, and the General Assembly had to be petitioned for a revision upward. in 1818, the Assembly authorized the levying of an additional sum not to exceed $15,000.

The new courthouse was occupied by the county in September 1821 and is generally associated with Port Tobacco, since it is the only one of which there is any type of pictorial representation. It was often confused as the first courthouse of the county. Also about this time, public sentiment succeeded in having the name Charles Town changed officially to Port Tobacco.

This courthouse continued in service until the fire of Aug. 3, 1892, when it was completely destroyed.

The circumstances surrounding the fire are curious. The town of La Plata, three miles north of Port Tobacco, began around 1873. Soon thereafter, the Popes Creek Railroad established a line of communication (railroad and telegraph station) between the village and the rest of the state. As a result it grew, and Port Tobacco declined. Sentiment grew to remove the county seat to La Plata, and a bill was passed in the General Assembly in 1882 for this purpose. The move was defeated by referendum and no further action was attempted until 1890 when a similar bill was introduced. The bill was passed, but was vetoed by the governor.

At the next session, a bill was introduced and approved by the governor which provided for a special referendum to be held May 7, 1892, to decide the issue between the two towns. The proposal was defeated by a vote of 995–1,329. During the night of Aug. 3 the courthouse burned. The cause of the fire was undetermined, but fortunately all the records had been carefully removed before the fire. No one was ever prosecuted and no one ever admitted to knowledge of the deed.

Whatever the cause, the fire did settle the issue for Port Tobacco. Feelings ran high that it was impractical to rebuild the courthouse at Port Tobacco since it had long since lost its entrance to the sea because of silting and had been bypassed by the railroad.

When the question was brought before the General Assembly in 1894, the rivals for the county seat were La Plata and Chapel Point. Subsequently, a special election was held, and at midnight on June 4, 1895, La Plata became the county seat. Provision was also made for a $20,000 bond issue for a new courthouse and jail.

FIRST COURTHOUSE AT LA PLATA

The same law empowered the building commissioners to sell the old courthouse and jail lots and to apply the proceeds to the cost of the new buildings. This was done, and Port Tobacco rapidly declined. It was taken in hand again 50 years later by the Society for the Restoration of Port Tobacco with little left but the memory of the public buildings.

The courthouse in La Plata was built of red brick in a rather imposing, but unattractive Victorian style. The architect of the building, completed in 1896; was Joseph C. Johnson, and the contractor was James Haislip. They worked under the supervision of a building committee including Dr. James J. Smoot, William Wolfe, J. Hubert Roberts, John H. Mitchell, John W. Waring, Adrian Posey and George W. Gray.

The general style of architecture was Romanesque and was finished in pressed brick with slate roofing. It was 90 feet long, 52 feet wide and 30 feet high with a 70-foot tower in the front.

There were five offices on the first floor. The county commissioners shared a large office with the school superintendent. The clerk of court's office included a vault for court records and a working area. The county treasurer and register of wills occupied offices on each, side of the main entrance. The state's attorney and sheriff shared a small office in the rear of the building. Each office was equipped with a cuspidor to accommodate the tobacco-chewing occupants and visitors.

A large rope hung from the belfry to the second floor landing which was used to ring the courthouse bell. The bell was tolled each day at 10 a.m. by the clerk of the court or a bailiff to announce the beginning of a session.

The second floor included a court room in the center to accommodate 250 persons, with a law library to the rear and rooms for the grand and petit juries. There were two restrooms in the basement adjacent to the furnace room. There were four fireplaces in the courthouse, and, though not used, existed until the 1954 addition.

The first meeting of the county commissioners in their new quarters in the courthouse was on Jan. 5, 1897, and the first-ever term of the circuit court in the new courthouse began in February 1897.

The jail built in the courtyard behind the courthouse was two stories high and made of stone, brick and cement. There were rooms on the first floor for the jailor and cells on the second floor for the prisoners. Its cost was $2,500 and considered fireproof. Criminals condemned to death were hanged from a gallows just outside its walls.

ADDITIONS TO THE COURTHOUSE AT LA PLATA

The first addition to the 1896 courthouse was in 1949. It consisted of two restrooms and an office for the clerk of the court on the first floor. The second floor of this addition provided for an addition to the law library and an office and restroom for the country's newly appointed judge, J. Dudley Digges, who at age 37 was the youngest circuit judge in the state. The addition was made to the rear of the courthouse, and the contractor was Cleveland Herbert of Hughesville.

The courthouse changed little inwardly and not at all outwardly until 1954. In 1953, the Greek Revival facade of the building was added as the south addition to the original. The architect was Frederick Tilp (who also designed the county seal), and the contractor was Kahn Engineering Co. of Washington, D.C.

Dedicated on Oct. 2, 1954, the renovations had been sponsored by county commissioners William Boone, Bernard Perry and Calvin Compton. The building committee was chaired by Judge John Dudley Digges, with DeSales Mudd, Patrick Mudd, Calvin Compton and J. Hampton Elder as members. The cost was around $300,000. The commissioners to whom the building was turned over were John Sullivan, W. Edward Berry and Lemuel W. Wilmer.

The 1954 addition created much needed space for all courthouse occupants. The new front provided offices for the county commissioners in the east wing. The register of wills, trial magistrate and sheriff occupied the west wing. The county treasurer and assessor took over the west wing of the old building along with the state's attorney. The clerk of court's office was extended to include the entire east wing of the old building. The east wing of the second floor of the new front was occupied by the superintendent of schools and the entire staff of the board of education.

In addition to the planned office space, rooms were added by means of temporary partitions to make space for probation, county roads superintendent and town commission officials. The new library occupied a wing of the courthouse.

Two of the old, high desks used in the last Port Tobacco courthouse were saved, like the records, from the fire. One is in the trial magistrate's office and the other is in the office of the supervisor of assessments.

The former jail, occupied for a time by the library and county agent's office, housed the Children's Aid Society and possibly the surveyor's office. In later years, the former local jail became home to the county's parks and recreation department, Economic Development Commission and currently houses a division of the sheriff's office.

The first fence around the courthouse yard was a wooden board fence which was replaced by a black pipe fence until 1954 when a brick serpertine wall was erected duplicating the one Thomas Jefferson designed for the University of Virginia at Charlottesville.

In 1974, the center section and north addition was completed in Georgian design and added an additional 35,000 square feet to the building. Baltimore architects Wrenn, Lewis and Jencks designed the addition. Renovation was directed by county commissioners James C. Simpson, Michael J. Sprague and Eleanor Carrico. The building committee was chaired by Judge James C. Mitchell with Judge George Bowling, J. Douglas Lowe, John McWilliams, Thomas F. Mudd, and Gertrude Wright assisting. The construction, begun in 1973, was by the Davis Corp. of La Plata, with the cost at $2,038,238.

In 1965, plans for the addition were halted when the voters failed to give the county bonding authority to finance the project.

During the renovation, court was conducted in the social hall of Christ Church, and the treasurer's office was in the basement of Sacred Heart Catholic Church.

In 1988, county government offices moved from the courthouse to the former Milton Somers Middle School building. Now the courthouse includes the circuit and district courts, and offices of the state's attorney, clerk of the circuit court and register of wills.

Mr. SARBANES. Mr. President, in closing, I ask my colleagues to join me and the citizens of southern Maryland

in celebrating the 100th anniversary of the Charles County Courthouse. Steeped in the rich history of southern Maryland, this structure serves as a bridge from the past to the emerging hi-tech area that southern Maryland is rapidly becoming.●

TRIBUTE TO CONSTITUTION WEEK

● Mr. BOND. Mr. President, I rise today to pay a special tribute to Constitution Week and Citizenship Day. It is a great pleasure to recognize these two events as annual occasions that will continue to remind our Nation's future generations of the importance of constitutional government.

In 1952, to commemorate the signing of the Constitution, the U.S. Congress authorized an annual Presidential proclamation designating September 17 as Citizenship Day. Later, on August 2, 1955, the Daughters of the American Revolution proposed and Congress approved a second resolution authorizing the President to designate annually the week of September 17–23 as Constitution Week.

I believe that both of these occasions provide the American people with the opportunity to learn about and reflect upon the rights and priveleges of citizenship which are protected by the Constitution. This year, as we celebrate Constitution Week and Citizenship Day, I invite every citizen and institution to join in the national commemoration.●

THE 50TH ANNIVERSARY OF JUNIOR ACHIEVEMENT OF WESTERN CONNECTICUT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Junior Achievement of Western Connecticut as it celebrates its 50th anniversary this year.

For the past 50 years, Junior Achievement has been dedicated to serving over 5,000 children in my home State of Connecticut. It gives me great pleasure to acknowledge the accomplishments of an organization that recognizes the needs of today's youth.

I am especially proud of the Junior Achievement Program's ability to motivate over 2,000 volunteers to participate in this year's event. We share the sentiment that by educating our children now, they will be better prepared to enter the workplace in the future.

Again, Mr. President, I would like to congratulate Junior Achievement of Western Connecticut on the occasion of its 50th anniversary. Junior Achievement has served the people of Connecticut through organized events such as their annual Bowl-A-Thon, which will celebrate its 11th anniversary on November 2. I thank Chairman Ronald J. Martin, his staff, and the thousands of Junior Achievement volunteers for their service, dedication, and contribution to the Connecticut community.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–31; TREATY DOCUMENT NO. 104–32; AND TREATY DOCUMENT NO. 104–33

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on September 4, 1996, by the President of the United States:

Taxation Convention with Austria; Taxation Protocol Amending Convention with Indonesia; and Taxation Convention with Luxembourg.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Vienna May 31, 1996. Enclosed is an exchange of notes with an attached Memorandum of Understanding, which provides clarification with respect to the application of the Convention in specified cases. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for exchange of information to prevent fiscal evasion and sets forth standard rules to limit the benefits of the Convention to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification a Protocol, signed at Jakarta July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes Signed at Jakarta on the 11th Day of July, 1988. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

This Protocol reduces the rates of tax to be applied to various types of income earned by U.S. firms operating in Indonesia.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Luxembourg April 3, 1996. Accompanying the Convention is a related exchange of notes providing clarification with respect to the application of the Convention in specified cases. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for exchange of information to prevent fiscal evasion and sets forth standard rules to limit the benefits of the Convention to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–30

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 3, 1996, by the President of the United States:

Taxation Agreement with Turkey.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Agreement Between the Government of the

United States of America and the Government of the Republic of Turkey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, signed at Washington March 28, 1996. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Agreement.

This Agreement, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income, protection from double taxation of income, exchange of information to prevent fiscal evasion, and standard rules to limit the benefits of the Agreement to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Agreement and related Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1996.*

REGARDING LAND CLAIMS OF PUEBLO OF ISLETA INDIAN TRIBE

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 740.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 740) to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 740) deemed read the third time and passed.

ANTARCTIC SCIENCE TOURISM AND CONSERVATION ACT OF 1996

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 513.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1645) to regulate U.S. scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ANTARCTICA SCIENCE, TOURISM, AND CONSERVATION ACT OF 1996

Mr. PRESSLER. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I am pleased we are able to bring to the Senate S. 1645, the Antarctica Science, Tourism, and Conservation Act of 1996, a bill introduced by Senator KERRY and cosponsored by Senator HOLLINGS. The bill has been considered by the Committee on Commerce, Science, and Transportation, and was reported June 6, 1996. A similar bill, H.R. 3060, introduced by Congressman WALKER of the House of Representatives has been adopted by the House.

During consideration of the bill, Senator STEVENS had asked that he be allowed to provide an amendment addressing Arctic research programs to the bill prior to floor action. The amendment that has been included does that.

S. 1645, amends the Antarctic Conservation Act to make the existing law governing U.S. research activities in Antarctica consistent with the requirements of the Protocol on the Environmental Protection to the Antarctica Treaty. As under current law, the National Science Foundation would remain the lead agency in managing the Antarctic science program, and in issuing regulations and research permits.

In addition, the bill would amend the Antarctic Conservation Act to: First, use established procedures under the National Environmental Policy Act to meet the protocol mandate for comprehensive assessment and monitoring of the effects of both governmental and nongovernmental activities on the fragile Antarctic ecosystem; second, prohibit introduction of prohibited products and open burning or disposal of any waste onto ice-free land areas or into fresh water systems in Antarctica; and third, require a permit for any incineration, waste disposal, entry in special areas, and takings or harmful interference.

Mr. President, this bill also amends the Antarctic Protection Act to continue indefinitely a ban on Antarctic mineral resource activities. And finally, the bill amends the act to Prevent Pollution from Ships to implement provisions of the protocol relating to protection of marine resources.

Mr. President, the amendment that has been added simply requires that the National Science Foundation report to Congress not later than March 1, 1997, on the use and amounts of funding provided for Federal polar research programs. This report will allow Congress to reexamine funding priorities for Arctic and Antarctic research programs.

Mr. HOLLINGS. Mr. President, today I rise to support final passage of the Antarctic Science, Tourism, and Conservation Act of 1996, legislation to implement the protocol on Environmental Protection to the Antarctic Treaty, a longstanding concern of the American scientific community and environmental groups. The protocol was signed by the United States 5 years ago and approved by the Senate in the 102d Congress, but implementing legislation remains to be completed. Senator KERRY and I introduced S. 1645 earlier this year to accomplish that task.

In pressing for legislation, our primary objective has been to provide a balanced approach that preserves both the environment and the ability to conduct scientific research in the Antarctic. Having had the opportunity to visit Antarctica, I can attest to its special beauty and pristine wilderness. While on the continent, I was impressed by a number of dedicated scientists operating under difficult circumstances to help us to understand better our global environment. The Antarctic provides scientists with a truly unique laboratory to conduct activities that cannot be done anywhere else. However, as important as these scientific activities are, we must be honest and accept the fact that the U.S. Antarctic Program has not always been the best steward of the Antarctic environment. Scientists themselves understand the critical importance of preserving the Antarctic as a natural reserve for generations to come. While much has been done in recent years to improve U.S. operations in the Antarctic, S. 1645 will help to ensure that present and future U.S. activities by scientists, explorers, tourists, and others comply with the highest environmental standards.

Mr. President, I commend the Senator from Massachusetts, Senator KERRY, for his persistent and thoughtful leadership in balancing environmental protection and the pursuit of greater scientific understanding. And I urge my colleagues to support final passage of this legislation today.

AMENDMENT NO. 5186

(Purpose: To provide for a polar research and policy study)

Mr. BOND. Mr. President, Senator STEVENS has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. STEVENS, proposes an amendment numbered 5186.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total

amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

Mr. STEVENS. Mr. President, today before the Senate is S. 1645, the Antarctica Science, Tourism, and Conservation Act of 1996. This bill was introduced on March 26, 1996, by Senator KERRY and Senator HOLLINGS. House Science Committee Chairman WALKER has sponsored similar legislation, H.R. 3060, which the House passed earlier this year, provides for the U.S. implementation of the Protocol on the Environmental Protection to the Antarctica Treaty.

This legislation will help protect the natural resources of the Antarctica by establishing regulations to protect native species, prevent marine pollution, manage waste disposal, and extend specially protected areas. It will implement the Environmental Protocol to the Antarctica Treaty.

I support S. 1645, and ask for unanimous consent that I be added as a cosponsor. In addition, I am offering an amendment that is equally important to the protection of the Arctic, an area very important to my State and for the entire Nation. My amendment would require the National Science Foundation to report to Congress on the status of its implementation of the Arctic environmental protection strategy. We are very concerned about delays and inadequate funding for this important environmental initiative.

My amendment would also require the National Science Foundation to report to Congress on the use and amounts of funding provided for Federal polar research programs, and tell us why they have not followed some of the recommendations of the Arctic Research Commission.

I have spoken to Chairman WALKER in the House, and explained this amendment to him. I do not believe there is any opposition to it in the Senate.

Mr. BOND. Mr. President, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed read a third time, the Senate then immediately proceed to Calendar No. 445, H.R. 3060; further, that all after the enacting clause be stricken and the text of S. 1645 be inserted in lieu thereof, the bill then be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 5186) was agreed to.

The bill (S. 1645), as amended, was deemed read for a third time.

The bill (H.R. 3060), as amended, was deemed read a third time, and passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 3060) entitled ''An Act to implement the Protocol on Environmental Protection to the Antarctic Treaty'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antarctic Science, Tourism, and Conservation Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

''(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

''(2) more recently, interest of American tourists in Antarctica has increased;

''(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;'';

(2) by striking ''the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation'' in paragraph (4), as redesignated, and inserting ''the Protocol establish a firm foundation for the conservation of Antarctic resources,'';

(3) by striking paragraph (5), as redesignated, and inserting the following:

''(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.''.

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking ''Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting'' and inserting ''Treaty and the Protocol''.

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''For purposes of this Act—

''(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

''(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

''(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

''(4) the term 'Director' means the Director of the National Science Foundation;

''(5) the term 'harmful interference' means—

''(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

''(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

''(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

''(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

''(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

''(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

''(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

''(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

''(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

''(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

''(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

''(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

''(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

''(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

''(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

''(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

''(18) the term 'Secretary' means the Secretary of Commerce;

''(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

''(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

''(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

''(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

''(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).''.

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

''SEC. 4. PROHIBITED ACTS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

''(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

''(3) to dispose of any prohibited waste in Antarctica;

''(4) to engage in open burning of waste;

''(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

''(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

''(7) to damage, remove, or destroy a historic site or monument;

''(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

''(10) to resist a lawful arrest or detention for any act prohibited by this section;

''(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

''(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

''(13) to attempt to commit or cause to be committed any act prohibited by this section.

''(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

''(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

''(A) disposing of any waste from land into the sea in Antarctica; and

''(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

''(2) to introduce into Antarctica any member of a nonnative species;

''(3) to enter or engage in activities within any Antarctic Specially Protected Area;

''(4) to engage in any taking or harmful interference in Antarctica; or

''(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

''(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.''.

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

''SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

''(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

''(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term ''significantly affecting the quality of the human environment'' shall have the same meaning as the term ''more than a minor or transitory impact''.

''(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

''(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

''(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

''(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

''(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

''(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

''(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

''(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

''(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

''(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

''(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

''(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

''(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

''(2) Such regulations shall be consistent with Annex I to the Protocol.

''(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

''(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

''(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

''(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

''(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

''(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.''.

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking ''section 4(a)'' and inserting in lieu thereof ''section 4(b)'';

(2) in subsection (c)(1)(B) by striking ''Special'' and inserting in lieu thereof ''Species''; and

(3) in subsection (e)—

(A) by striking ''or native plants to which the permit applies,'' in paragraph (1)(A)(i) and inserting in lieu thereof ''native plants, or native invertebrates to which the permit applies, and'';

(B) by striking paragraph (1)(A)(ii) and (iii) and inserting in lieu thereof the following new clause:

''(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;'';

(C) by striking ''within Antarctica (other than within any specially protected area)'' in paragraph (2)(A) and inserting in lieu thereof ''or harmful interference within Antarctica'';

(D) by striking ''specially protected species'' in paragraph (2)(A) and (B) and inserting in lieu thereof ''Specially Protected Species'';

(E) by striking ''; and'' at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof '', or'';

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

''(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and'';

(G) by striking ''with Antarctica and'' in paragraph (2)(A)(ii)(II) and inserting in lieu thereof ''within Antarctica are''; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

''(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

''(i) if the entry is consistent with an approved management plan, or

''(ii) if a management plan relating to the area has not been approved but—

''(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

''(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.''.

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

''SEC. 6. REGULATIONS.

''(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

''(A) each species of the class Aves;

''(B) each species of the class Mammalia; and

''(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

''(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

''(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

''(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

''(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

''(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.''.

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

''SEC. 14. SAVING PROVISIONS.

''(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

''(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.''.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(1) 'Antarctica' means the area south of 60 degrees south latitude;

''(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;''; and

(3) by adding at the end the following new subsection:

''(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.''.

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''.

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'' in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'';

(3) in subsection (b)(2)(A) by striking ''within 1 year after the effective date of this paragraph,''; and

(4) in subsection (b)(2)(A)(i) by inserting ''and of Annex IV to the Antarctic Protocol'' after ''the Convention''.

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol'';

(2) in subsection (e)(1) by inserting ''or the Antarctic Protocol'' after ''the Convention'';

(3) in subsection (e)(1)(A) by inserting ''or Article 9 of Annex IV to the Antarctic Protocol'' after ''the Convention''; and

(4) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol''.

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting ''Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in the second sentence of subsection (a)—

(A) by inserting ''or to the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''and Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(3) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears;

(4) in subsection (c)(1) by inserting '', of Article 3 or Article 4 of Annex IV to the Antarctic Protocol,'' after ''to the Convention'';

(5) in subsection (c)(2) by inserting ''or the Antarctic Protocol'' after ''which the MARPOL Protocol'';

(6) in subsection (c)(2)(A) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol'';

(7) in subsection (c)(2)(B)—

(A) by inserting ''or the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''or Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(8) in subsection (d)(1) by inserting '', Article 5 of Annex IV to the Antarctic Protocol,'' after ''Convention'';

(9) in subsection (e)(1)—

(A) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''; and

(B) by striking ''that Protocol'' and inserting in lieu thereof ''those Protocols''; and

(10) in subsection (e)(2) by inserting '', of Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''.

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(3) in subsection (b)(2) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(4) in subsection (d) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(5) in subsection (e) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''; and

(6) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking ''Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it'' and inserting in lieu thereof ''It''.

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

Mr. BOND. Mr. President, I ask unanimous consent that S. 1645 be placed back on the calendar.

MEASURE READ THE FIRST TIME—S. 2053

Mr. BOND. Mr. President, I understand that S. 2053 introduced today by Senator GRASSLEY is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2053) to strengthen narcotics control reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes.

Mr. BOND. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard, and the bill will be read on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 5, 1996

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, September 5; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed under the order to the consideration of the military construction appropriations conference report.

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

PROGRAM

Mr. BOND. Mr. President, for the information of all Members, tomorrow morning following the 30 minutes of debate there will be two consecutive rollcall votes beginning at approximately 10 a.m. with the first vote on the military construction appropriations conference report to be followed by a vote on the District of Columbia appropriations conference report. Following those votes the Senate will resume the VA–HUD appropriations bill. All Senators can expect additional votes on Thursday as we attempt to and I hope actually complete action on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Thursday, September 5, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

STOPPING IRANIAN TERRORISM

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to share the following editorial from the August 7, 1996, Philadelphia Inquirer, by Trudy Rubin on ''Stopping Iranian Terrorism.''

As this article points out, the current regime in Iran is dangerous and actively working against the principles of freedom, democracy, and human rights. Iran's actions should worry not only all Americans but our friends and allies around the world as well. The Iran Oil Sanctions Act of 1996 which we passed this summer will help to increase the pressure on the dictatorship in Iran.

As Charles Krauthammer recently noted, in President Clinton's attempts to mobilize the United States against terrorism, ''the rhetoric far outran the real measures proposed.'' Mr. Krauthammer goes on to recognize that what is lacking is deterrence. ''All this effort with wiretapping, bomb-sniffing, intelligence-sharing is aimed at reducing the terrorists' ability to carry out their attacks. What we are not doing is diminishing their will to carry out attacks.'' I strongly agree with him that we should be committed to a sustained and unrelenting effort to destroy those who are responsible for supporting, promoting, and carrying out terrorist acts.

Finally, President Clinton and his administration failed to lay the groundwork with our allies by building the case against Iran. At the recent world summit on terrorism in Paris, the administration did not even raise the issue of Iran. I certainly hope that President Clinton will take note of Iran's actions and vigorously pursue the steps necessary to safeguard our Nation against terrorists.

European leaders love to label Americans naive for viewing the world in terms of good and evil.

They sneered when Ronald Reagan termed the Soviet Union an ''evil empire'' (he was right). They opposed U.S. moves to quarantine Saddam Hussein before 1990 (he was evil).

And now the European Union is fiercely resisting America's call to isolate Iran as a state sponsor of terrorism. In righteous tones, the French and Germans urge America to hold a ''constructive dialogue'' with Tehran's mullahs.

But how can you conduct a ''constructive'' dialogue with a country that carries on a foreign policy that flouts all civilized rules?

The Europeans may insist on painting Iran's behavior in gray tones—attributing it to ongoing political struggles between pragmatists and radicals—but the facts present themselves in black and white.

While U.S. officials haven't found any direct Iranian link to the bombing of U.S. servicemen in Saudi Arabia or the TWA explosion, they are investigating several disturbing leads:

Iran has a network of 11 terrorist training camps inside its borders, according to recent news reports citing U.S. intelligence sources. The camps teach skills such as bomb making to trainees from around the Islamic world, including Egyptians, Palestinians and Saudis. Iran's clerical rulers oppose Mideast governments that support the peace process with Israel, and exhort Muslims to replace them with radical Islamist regimes. They also call for Islamists to drive U.S. troops out of Saudi Arabia.

Secretary of Defense William Perry has said the bomb that killed 19 U.S. servicemen in Dhahran was so sophisticated that the bombers must have had ''an international connection.'' (But Perry backed off an earlier statement that Iran was ''possibly'' responsible.) One line of speculation: Iran might have smuggled explosives into Saudi Arabia earlier this year hidden in a shipment of computers headed to an international trade fair.

Only a few days before the explosion in Dhahran, a secret terrorism summit was held in Tehran, according to the National Council of Resistance of Iran, the most active Iranian exile group. The meeting gathered heads of Iranian intelligence agencies along with leaders of radical Mideast Islamists to discuss attacks against U.S. targets.

Iran has perfected a new kind of weapon—a transportable long-range, time-delayed mortar—for use abroad in terrorist operations. The new mortar threat is one reason U.S. troops are being moved to remote base in Saudi Arabia. Iranian dissidents say Tehran has manufactured 20 of these mortars; one was discovered last March hidden in a cargo of pickled cucumbers on an Iranian freighter docked in Antwerp. Possible European targets; Israeli diplomats or Iranian dissidents.

A Lebanese terrorist trained by Iranian revolutionary guards flew into Israel on April 4 with high-powered plastic explosives hidden in a carry-on bag. Fortunately, he only blew off his own legs and an arm in a Jerusalem hotel room while assembling a bomb. But if he could smuggle plastique onto Swissair in Zurich undetected, maybe someone did the same on TWA Flight 800. FBI agents are investigating.

Had enough? No? Well, on July 17, a Thai court sentenced an Iranian man to death for conspiring to set off a bomb in Bangkok aimed at the Israeli Embassy.

And Iranian agents have been busily hunting down Iranian dissidents in exile; they've killed 11 already in 1996. The latest victim, a former government minister under the shah, was shot twice in the head at his home in Paris. German police arrested a high-ranking Iranian intelligence agent in connection with the killing.

But none of this is convincing enough for the Europeans, especially the French and the Germans. They still insist on coloring Iranian leaders gray.

German Chancellor Helmut Kohl's chief intelligence adviser has become downright chummy with Iran's head of intelligence, Ali Fallahian, even though a German court charged Fallahian with organizing the 1992 assassination of four Iranian Kurds in Berlin.

I have tried to fathom this myopia. I know the Germans once were Iran's biggest trading partner, and resent U.S. pressure to give up lucrative contracts. I know the French oil company Total, S.A. has huge sums invested in Iranian oil development.

And I understand European resentment at new U.S. sanctions against foreign firms, including those from allied nations, that invest big in Iranian energy. Imposing trade sanctions on your friends is a funny way to punish your enemies.

But what's the Clinton administration to do if friends refuse to call a common enemy by its rightful name?

Iran is not an enemy because it has an Islamic government, or because it once held U.S. diplomats hostage. Tehran's sin lies not in its theology, but in its behavior today. A country that murders its enemies abroad removes itself from the community of nations.

I know the Europeans can find excuses for Iranian behavior: We have to understand Iranian psychology . . . the Iranians feel threatened by an America perceived as hostile . . . Washington has refused to extend a hand. I remember when the same excuses were made for Saddam Hussein.

I feel sorry for all the Iranian technocrats who want to get on with building their country. But an Iran with its own violent foreign agenda is a threat to everyone, not just America. What if such a regime gets nuclear weapons?

The only way to change Iran's behavior is for Western allies to stand together, setting out clear guidelines for Tehran, or else. If Europeans pretend otherwise, they are naive.

JUST THE FACTS: THE CONTINUING SHAME OF THE AMERICAN HEALTH CARE SYSTEM

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. STARK. Mr. Speaker, there was a lot of crowing at the Republican National Convention about the defeat of the effort in the 103d Congress to obtain health insurance for every American. Republicans talked a lot about letting the free market take care of the health insurance problem and how it was good that a Government solution had been rejected.

Never mind the fact that the number of uninsured Americans, especially children, is rising about 1 million per year. Never mind the fact that almost all the other major industrialized nations of the world provide high quality health care to almost all their citizens yet have health inflation lower than ours. Following are the latest available figures from the Organization for Economic Cooperation and Development.

The facts speak for themselves—and they should shame all of us.

SHARE OF POPULATION COVERED BY PUBLIC (GOVERNMENT) HEALTH INSURANCE SCHEME (COMPARABLE FIGURES FOR PRIVATE INSURANCE SCHEMES NOT AVAILABLE)

	1990	1991	1992	1993	1994
Australia	100.0	100.0	100.0	100.0	100.0
Austria	99.0	99.0	99.0	99.0	99.0
Belgium	99.0	99.0	99.0	99.0	99.0
Canada	100.0	100.0	100.0	100.0	100.0
Czech Republic	100.0	100.0	100.0	100.0	100.0
Denmark	100.0	100.0	100.0	100.0	100.0
Finland	100.0	100.0	100.0	100.0	100.0

SHARE OF POPULATION COVERED BY PUBLIC (GOVERNMENT) HEALTH INSURANCE SCHEME (COMPARABLE FIGURES FOR PRIVATE INSURANCE SCHEMES NOT AVAILABLE)—Continued

	1990	1991	1992	1993	1994
France	99.5	99.5	99.5	99.5	99.5
Germany	99.2	99.2	99.2	99.2	99.2
Greece	100.0	100.0	100.0	100.0	100.0
Hungary	n/a	n/a	n/a	n/a	n/a
Iceland	100.0	100.0	100.0	100.0	100.0
Ireland	100.0	100.0	100.0	100.0	100.0
Italy	100.0	100.0	100.0	100.0	100.0
Japan	100.0	100.0	100.0	100.0	100.0
Luxembourg	100.0	100.0	100.0	100.0	100.0
Mexico	55.8	64.0	64.4	67.0	68.0
Netherlands	70.7	70.5	70.6	70.9	71.4
New Zealand	100.0	100.0	100.0	100.0	100.0
Norway	100.0	100.0	100.0	100.0	100.0
Portugal	100.0	100.0	100.0	100.0	100.0
Spain	99.0	99.0	99.5	99.5	99.5
Sweden	100.0	100.0	100.0	100.0	100.0
Switzerland	99.5	99.5	99.5	99.5	99.5
Turkey	55.1	n/a	n/a	n/a	n/a
United Kingdom	100.0	100.0	100.0	100.0	100.0
United States	44.0	44.0	44.0	44.0	45.0

HEALTH CARE EXPENDITURES: PRICE INDEX

	1990	1991	1992	1993	1994
Australia	100.0	102.9	104.2	105.1	n/a
Austria	100.0	105.7	114.2	121.1	n/a
Belgium	100.0	106.8	112.2	115.0	n/a
Canada	100.0	105.7	109.2	112.0	112.7
Czech Republic	n/a	n/a	n/a	n/a	n/a
Denmark	100.0	102.7	104.9	107.5	n/a
Finland	100.0	107.9	111.9	114.0	n/a
France	100.0	102.1	104.3	106.4	108.3
Germany	100.0	104.2	108.1	112.1	117.3
Greece	100.0	129.1	149.0	167.4	n/a
Hungary	n/a	n/a	n/a	n/a	n/a
Iceland	100.0	106.5	113.8	123.0	126.0
Ireland	100.0	107.1	114.2	120.5	n/a
Italy	100.0	109.9	114.4	119.1	n/a
Japan	100.0	93.3	103.5	106.8	n/a
Luxembourg	100.0	101.9	107.7	114.3	n/a
Mexico	n/a	n/a	n/a	n/a	n/a
Netherlands	100.0	105.2	108.9	110.8	n/a
New Zealand	100.0	101.6	105.8	106.5	n/a
Norway	100.0	103.6	107.6	108.5	n/a
Portugal	100.0	111.6	123.8	133.0	n/a
Spain	100.0	106.1	113.8	114.3	124.1
Sweden	100.0	103.5	109.0	112.0	n/a
Switzerland	100.0	106.2	112.3	116.2	118.5
Turkey	100.0	n/a	n/a	n/a	n/a
United Kingdom	100.0	108.2	117.4	124.3	127.4
United States	100.0	106.2	112.2	117.5	122.4

GDP PRICE INDEX

	1990	1991	1992	1993	1994
Australia	100.0	102.3	103.62	104.9	106.4
Austria	100.0	104.0	108.32	112.0	115.8
Belgium	100.0	102.7	106.3	110.6	113.6
Canada	100.0	102.8	104.1	105.2	105.79
Czech Republic	n/a	n/a	n/a	n/a	n/a
Denmark	100.0	102.2	104.3	105.4	107.8
Finland	100.0	102.5	103.2	105.7	106.9
France	100.0	103.3	105.4	108.1	109.6
Germany	100.0	104.7	105.5	109.4	112.0
Greece	100.0	118.0	135.3	154.3	171.2
Hungary	n/a	n/a	n/a	n/a	n/a
Iceland	100.0	107.6	111.6	114.0	117.0
Ireland	100.0	101.7	103.8	108.0	109.3
Italy	100.0	107.7	112.5	117.3	121.5
Japan	100.0	102.6	104.1	104.7	n/a
Luxembourg	100.0	104.5	109.7	120.7	125.0
Mexico	100.0	121.6	139.4	153.3	164.5
Netherlands	100.0	102.7	105.0	107.2	109.7
New Zealand	100.0	101.4	101.4	102.4	104.2
Norway	100.0	102.6	102.2	104.8	105.1
Portugal	100.0	114.2	129.6	139.3	146.5
Spain	100.0	107.1	114.4	119.4	124.0
Sweden	100.0	107.6	108.8	111.7	115.0
Switzerland	100.0	105.5	108.2	110.4	111.9
Turkey	100.0	158.8	260.1	436.3	900.8
United Kingdom	100.0	106.5	111.1	114.7	117.2
United States	100.0	103.5	106.0	108.01	110.3

TOTAL HEALTH CARE EXPENDITURE SHARE OF GDP

	1990	1991	1992	1993	1994
Australia	8.3	8.6	8.7	8.6	8.5
Austria	8.4	8.5	8.9	9.4	9.7
Belgium	7.6	8.0	8.1	8.3	8.2
Canada	9.2	9.9	10.3	10.2	9.8
Czech Republic	5.3	5.4	5.4	7.7	7.6
Denmark	6.5	6.5	6.7	6.8	6.6
Finland	8.0	9.1	9.3	8.8	8.3
France	8.9	9.1	9.4	9.8	9.7
Germany	8.3	9.0	9.3	9.3	9.5
Greece	4.3	4.3	4.5	4.6	5.2
Hungary	6.6	6.6	6.8	6.9	7.0
Iceland	7.9	8.1	8.2	8.3	8.1
Ireland	6.7	7.0	7.3	7.4	7.9

TOTAL HEALTH CARE EXPENDITURE SHARE OF GDP—Continued

	1990	1991	1992	1993	1994
Italy	8.1	8.4	8.5	8.6	8.3
Japan	6.0	6.1	6.4	6.6	6.9
Luxembourg	6.2	6.2	6.3	6.2	5.8
Mexico	n/a	n/a	4.9	5.0	5.3
Netherlands	8.4	8.6	8.8	9.0	8.8
New Zealand	7.4	7.8	7.8	7.3	7.5
Norway	6.9	7.2	7.4	7.3	7.3
Portugal	6.6	7.1	7.2	7.4	7.6
Spain	6.9	7.1	7.2	7.3	7.3
Sweden	8.6	8.4	7.6	7.6	7.7
Switzerland	8.4	9.0	9.4	9.5	9.6
Turkey	2.9	3.4	2.9	2.6	4.2
United Kingdom	6.0	6.5	7.0	6.9	6.9
United States	12.7	13.5	14.0	14.3	14.3

MALE LIFE EXPECTANCY AT BIRTH

	1990	1991	1992	1993	1994
Australia	73.9	74.4	74.5	75.0	75.0
Austria	72.4	72.4	72.7	73.0	73.3
Belgium	72.4	72.8	73.1	73.0	n/a
Canada	73.8	74.6	74.9	n/a	n/a
Czech Republic	67.5	68.2	68.5	69.3	69.5
Denmark	72.0	72.2	72.4	72.3	n/a
Finland	70.9	71.4	71.7	72.1	72.8
France	72.7	72.9	73.2	73.3	73.7
Germany	72.7	72.5	73.8	73.8	n/a
Greece	74.6	74.7	74.6	74.9	n/a
Hungary	65.1	65.0	64.6	64.5	64.8
Iceland	75.7	75.1	75.7	76.9	77.1
Ireland	72.0	72.2	72.6	72.7	n/a
Italy	73.5	73.6	73.8	74.5	74.7
Japan	75.9	76.1	76.1	76.3	76.6
Luxembourg	72.3	72.0	71.9	72.2	n/a
Mexico	67.7	68.4	68.9	69.2	69.4
Netherlands	73.8	74.1	74.3	74.0	74.6
New Zealand	72.4	72.9	73.1	n/a	n/a
Norway	73.4	74.0	74.1	74.2	74.8
Portugal	70.9	69.8	70.8	70.8	71.2
Spain	73.4	73.4	73.4	73.3	73.3
Sweden	74.8	74.9	75.4	75.5	76.1
Switzerland	74.0	74.1	74.3	74.7	75.1
Turkey	64.1	n/a	n/a	63.3	65.4
United Kingdom	72.9	73.2	73.6	73.6	74.2
United States	71.8	72.0	72.3	72.2	72.3

FEMALE LIFE EXPECTANCY AT BIRTH

	1990	1991	1992	1993	1994
Australia	80.1	80.4	80.4	80.9	80.9
Austria	78.9	79.1	79.2	79.4	79.7
Belgium	79.1	79.5	79.8	79.8	n/a
Canada	80.4	80.9	81.2	n/a	n/a
Czech Republic	76.0	75.7	76.1	76.4	76.6
Denmark	77.7	77.7	77.8	77.6	n/a
Finland	78.9	79.3	79.4	79.5	80.2
France	80.9	81.1	81.4	81.4	81.8
Germany	79.1	79.0	79.3	79.3	n/a
Greece	79.4	79.7	79.6	79.9	n/a
Hungary	73.7	73.8	73.7	73.8	74.2
Iceland	80.3	80.8	80.9	80.8	81.0
Ireland	77.5	77.7	78.2	78.2	n/a
Italy	80.0	80.2	80.4	80.9	81.2
Japan	81.9	82.1	82.2	82.5	83.0
Luxembourg	78.5	79.1	78.5	79.4	n/a
Mexico	74.0	74.7	75.2	75.4	75.8
Netherlands	80.1	80.2	80.3	80.0	80.3
New Zealand	78.3	78.7	78.9	n/a	n/a
Norway	79.8	80.1	80.3	80.2	80.6
Portugal	77.9	77.3	78.1	78.0	78.2
Spain	80.4	80.6	80.7	80.9	81.0
Sweden	80.4	80.5	80.8	80.8	81.4
Switzerland	80.9	80.9	81.2	81.4	81.6
Turkey	68.4	n/a	n/a	66.0	70.0
United Kingdom	78.6	78.7	79.0	78.9	79.5
United States	78.8	78.9	79.1	78.8	79.0

INFANT MORTALITY RATE/100 LIVE BIRTHS

	1990	1991	1992	1993	1994
Australia	0.82	0.71	0.70	0.61	0.59
Austria	0.78	0.75	0.75	0.65	0.63
Belgium	0.80	0.84	0.82	0.80	0.76
Canada	0.68	0.64	0.63	0.68	n/a
Czech Republic	1.08	1.04	0.99	0.85	0.79
Denmark	0.75	0.73	0.66	0.54	0.56
Finland	0.56	0.58	0.52	0.44	0.46
France	0.73	0.73	0.68	0.64	0.58
Germany	0.71	0.67	0.60	0.58	0.56
Greece	0.97	0.90	0.84	0.85	0.79
Hungary	1.50	1.60	1.40	1.30	1.20
Iceland	0.59	0.55	0.48	0.48	0.34
Ireland	0.82	0.82	0.66	0.59	0.59
Italy	0.82	0.81	0.79	0.73	0.66
Japan	0.46	0.44	0.45	0.43	0.42
Luxembourg	0.74	0.92	0.85	0.60	0.53
Mexico	2.40	2.10	1.90	1.75	1.70
Netherlands	0.71	0.65	0.63	0.63	0.56
New Zealand	0.84	0.83	0.73	0.73	n/a
Norway	0.70	0.64	0.59	0.51	0.52
Portugal	1.10	1.08	0.93	0.87	0.81
Spain	0.76	0.72	0.71	0.68	0.60

INFANT MORTALITY RATE/100 LIVE BIRTHS—Continued

	1990	1991	1992	1993	1994
Sweden	0.60	0.61	0.53	0.48	0.44
Switzerland	0.68	0.62	0.64	0.56	0.51
Turkey	5.93	5.65	5.40	5.26	4.68
United Kingdom	0.79	0.74	0.66	0.63	0.62
United States	0.92	0.89	0.85	0.84	0.79

CONGRATULATIONS TO OUR NATION'S CATHOLIC SCHOOL SYSTEM AND TO THE EDUCATION FOUNDATION OF THE ARCHDIOCESE OF LOS ANGELES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. RADANOVICH. Mr. Speaker, I rise today to offer my congratulations to our Nation's Catholic school system and to the Education Foundation of the Archdiocese of Los Angeles for the hard work and diligence that has been shown over the years. The Catholic school system has an excellent track record.

Walk by any of these schools and you will see well-behaved and well-dressed students in the school yard. Step inside a classroom and you will see these same children giving their full attention to their teacher's lecture with the ability to correctly answer the questions, a sign that these children are doing their homework, not hanging out at the mall or watching television. Of course, many of these children do not have the means to get to the mall or cannot afford a television. You see, these children come from the poorest families of the inner city. Statistics show that children from these tough neighborhoods will end up in prison, or dead from violence. Why do these children succeed in school? These schools take the most at-risk children and put them in a well-disciplined learning environment. But, as time goes on, this environment is crumbling due to aged facilities. This is why the Catholic school system needs our help.

Federal funding for these schools is one answer. Tax credits for parochial-school tuition are another. I am proud of the job our Catholic schools are doing in America.

[From the Wall Street Journal, July 17, 1996]

WHY THE CATHOLIC SCHOOL MODEL IS TABOO

(By Sol Stern)

New York City's Cardinal John J. O'Connor has repeatedly made the city an extraordinary offer. Send me the lowest-performing 5% of children presently in the public schools, and I will put them in Catholic schools—where they will succeed. The city's response: silence.

In a more rational world, city officials would have jumped at the cardinal's invitation. It would have been a huge financial plus for the city. The annual pre-pupil cost of Catholic elementary schools is $2,500 per year, about a third of what taxpayers now spend for the city's public schools.

NO IDLE BOAST

More important, thousands more disadvantaged children would finish school and become productive citizens. For Cardinal O'Connor's claim that Catholic schools would do a better job than public schools is no idle boast. In 1990 the RAND Corporation compared the performance of children from New York City's public and Catholic high schools. Only 25% of the public-school students graduated at all, and only 16% took

the Scholastic Aptitude Test vs. 95% and 75% of Catholic-school students, respectively, Catholic-school students scored an average of 815 on the SAT. By shameful contrast, the small ''elite'' of public-school students who graduated and took the SAT averaged only 642 for those in neighborhood schools and 715 for those in magnet schools.

In 1993 the New York State Department of Education compared city schools with the highest levels of minority enrollment. Conclusions: ''Catholic schools with 81% to 100% minority composition outscored New York public schools with the same percentage of minority enrollment in Grade 3 reading (+17%). Grade 3 mathematics (+10%), Grade 5 writing (+6%), Grade 6 reading (+10%) and Grade 6 mathematics (+11%).''

Yet most of the elite, in New York and elsewhere, is resolutely uninterested in the Catholic schools' success. In part this reflects the enormous power of teachers' unions, fierce opponents of anything that threatens their monopoly on education. In part it reflects a secular discomfort with religious institutions.

I myself have felt this discomfort over the years, walking past Catholic schools like St. Gregory the Great, near my Manhattan home. Every morning, as I took my sons to public school, I couldn't help noticing the well-behaved black and Hispanic children in their neat uniforms entering the drab parish building. But my curiosity never led me past the imposing crucifix looking down from the roof, which evoked childhood images of Catholic anti-Semitism and clerical obscurantism.

Finally, earlier this year, I ventured in, and I was impressed. I sat in for example, as fourth-grade teacher Susan Viti conducted a review lesson on the geography of the Western United States. All the children were completely engaged and had obviously done their homework. They were able to answer each of her questions about the principal cities and capitals of the Western states—some of which I couldn't name—and the topography and natural resource of the region. ''Which minerals would be found in the Rocky Mountains?'' Miss Viti asked. Eager hands shot up. Miss Viti used the lesson to expand the students' vocabulary, when the children wrote things down, she insisted on proper grammar and spelling.

I found myself wishing that my own son's fourth-grade teachers at nearby Public School 87, reputedly one of the best public schools in the city, were anywhere near as productive and as focused on basic skills as Miss Viti. Both my boys's teachers have wasted an enormous amount of time with empty verbiage about the evils of racism and sexism. By contrast, in Miss Viti's class and in all the other Catholic-school classes I visited, it was taken for granted that a real education is the best antidote to prejudice.

Miss Viti earns $21,000 a year, $8,000 less than a first-year public-school teacher, ''I've taught in an all-white, affluent suburban school, where I made over $40,000.'' she says. ''This time I wanted to do something good for society, and I am lucky enough to be able to afford to do it. I am trying to instill in my students that whatever their life situation is now, they can succeed if they work hard and study.''

You might expect liberals, self-styled champions of disadvantaged children, to applaud the commitment and sacrifice of educators like Susan Viti. You might even expect them to look for ways of getting government money to these underfunded schools. Instead, they've done their best to make sure the wall of separation between church and state remains impenetrable. Liberal child-advocacy groups tout an endless array of ''prevention'' programs that are supposed to stave off delinquency, dropping out of school and even pregnancy—yet they consistently ignore Catholic schools, which always succeed in preventing these pathologies.

Read the chapter on education in Hillary Clinton's ''It Takes a Village.'' Mrs. Clinton advocates an alphabet soup of education programs for poor kids, but says not a word about Catholic schools. Similarly, in his books on education and inner-city ghettos, Jonathan Kozol offers vivid tours of decrepit public schools in places like the South Bronx, but he never stops at the many Catholic schools that are succeeding a few blocks away.

Why are Catholic schools taboo among those who talk the loudest about compassion for the downtrodden? It's hard to escape the conclusion that one of the most powerful reasons is liberals' alliance with the teachers' unions, which have poured hundreds of millions of dollars into the campaign coffers of liberal candidates around the country. Two weeks ago I attended the National Education Association convention in Washington, a week-long pep rally for Bill Clinton punctuated by ritual denunciations of privatization.

Before the teachers' unions rise to political power, it was not unusual to see urban Democrats like former New York Gov. Mario Cuomo support government aid to Catholic schools. Mr. Cuomo's flip-flop on this issue is especially revealing. In 1974, when he first ran for public office, Mr. Cuomo wrote a letter to potential supporters: ''I've spent more than 15 years . . . arguing for aid to private schools,'' he wrote. ''If you believe aid is a good thing, then you are the good people. If you believe it, then it's your moral obligation, as it is my own, to do something about it. . . . Let's try tax-credit plans and anything else that offers any help.''

Mr. Cuomo soon learned his lesson. In his published diaries he wrote: ''Teachers are perhaps the most effective of all the state's unions. If they go all-out, it will mean telephones and vigorous statewide support. It will also mean some money.'' In his 1982 campaign for governor, Mr. Cuomo gave a speech trumpeting the primacy of public education and the rights of teachers. He won the union's enthusiastic endorsement against Ed Koch in the Democratic primary. Over the next 12 years, in private meetings with Catholic leaders, Gov. Cuomo would declare that he still supported tax relief for parochial school parents. Then he would take a completely different position in public. For example, in 1984 he acknowledged that giving tax credits for parochial-school tuition was ''clearly constitutional'' under a recent Supreme Court decision—but he refused to support such a plan.

Politically controlled schools are unlikely to improve much without strong pressure from outside. Thus, the case for government aid to Catholic schools is now more compelling than ever. If only to provide the competitive pressure to force state schools to change. And the conventional wisdom that government is constitutionally prohibited from aiding Catholic schools has been undermined by several recent U.S. Supreme Court decisions.

SUCKER'S TRAP

Since the powerful teachers' union vehemently oppose any form of government aid to Catholic schools, reformers are often skittish about advocating vouchers or tuition tax credits, fearing that will end the public-school reform conversation before it begins. But to abandon aid to Catholic schools in the name of public-school reform is a sucker's trap. We have ended up with no aid to Catholic schools and no real public-school reform either.

Catholic schools are a valuable public resource not just because they profoundly benefit the children who enroll in them. They also challenge the public-school monopoly, constantly reminding us that the neediest kids are educable and that spending extravagant sums of money isn't the answer. No one who cares about reviving our failing public schools can afford to ignore this inspiring laboratory of reform.

HONORING THE TRI-VALLEY TIGERS

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. BAKER of California. Mr. Speaker, in the past year, America has witnessed Cal Ripken become the new Iron Man, Michael Jordan return to basketball, and the centennial Olympic games take place in Atlanta. These have been signal events in modern sports history.

Yet for my own home region, the East Bay of San Francisco, an even more exciting event took place when, in late August, the Alacosta Tri-Valley Tigers took second in the U.S. National Babe Ruth Tournament in Manteo, NC. The Tigers are a Babe Ruth team that posted an undefeated regular season record and an overall record of 59–5. In addition, they won the State and regional titles on the way to the contest for the national title.

Ranging in ages from 16 to 18, these 17 young men and their four coaches have brought pride and dedication to their remarkable efforts. They learned the value of team commitment, of hard, concentrated effort, and had a lot of fun along the way. Their performance in post-season play was outstanding, and as runners-up in the national championship game, they brought great credit to themselves, their coaches, and to the whole East Bay.

While there may be momentary disappointment over not winning the national title itself, this in no way diminishes the sterling performance of the Tigers at every level of play. Along with their parents and neighbors, I am very proud of each of them and am pleased to recognize them in the CONGRESSIONAL RECORD for their sportsmanship, tenacity, and all-around excellence.

As Ernie Banks might say, when it comes to the Tri-Valley Tigers, ''Let's play two.''

DELAURO HONORS VINCENT CHASE OF STRATFORD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Ms. DELAURO. Mr. Speaker, on Friday, September 6, 1996, State Representative Vincent Chase will be honored with a dinner-roast. Representative Chase has served in the Connecticut State Legislature for 16 years and recently announced that he will not be seeking reelection. It is my great pleasure to rise today to pay tribute to Vinnie and to congratulate and thank him for him many years of public service.

Vinnie was first elected to the general assembly in 1980 to represent the 120th District in Stratford. In the following years, he went on to become one of the highest ranking leaders of the House of Representatives. After the 1990 election he was appointed as an assistant house minority leader and for the 1995 and 1996 sessions, he served as deputy house minority leader. During his tenure in the legislature, Vinnie developed a reputation for consistency and thoroughness. His ability to master details led to his appointment to serve as cochair of the regulation review committee. In addition, he served as dean of the insurance and real estate committee and also served on the executive and legislative nominations committee and the joint committee on legislative management.

Vinnie's experience and skill as a legislator led to several initiatives of which he is particularly proud. He has worked on legislation dealing with health and auto insurance reform, welfare reform, and the protection of Long Island Sound. In 1996 he cosponsored legislation which resulted in the removal of tolls from Interstate 95 and the Marritt and Wilbur Cross parkways and the largest tax cut in Connecticut history. These successes underscore the need for legislators that bring a sense of personal and moral responsibility to politics. For 16 years, Vinnie never forgot the reason he went to Hartford: to serve. He has remained a consistent champion for his constituents and a true public servant. He has said,

The greatest honor of my years of service has not been the awards or plaques that I have received from various groups, but the simple ''thank you'' from a constituent I was able to assist. For that is what public service is all about, helping people.

Throughout his legislative career, Vincent has brought common sense and concern for people to the general assembly. His contributions and efforts will be greatly missed. I have long relied on Vinnie's hard-won wisdom and insightful advice. We have worked together to protect Stratford's environment and to fight for job's for Statford's citizens. I will continue to seek his counsel as long as I am in Congress. It is my pleasure to join Vincent's family friends, and citizens of the town of Stratford in wishing him well as he leaves the State house of representatives and begins a new chapter in his life.

A TRIBUTE TO THE SHELTER ISLAND POST OFFICE'S 150TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Shelter Island Post Office, located on Shelter Island, Long Island, NY, that this year is celebrating its 150th anniversary of dedicated service to the residents of this island.

Many communities pay little attention to their local post office, beyond receiving and sending mail, but that is not the case with Shelter Island. Since its creation in 1846, the Shelter Island Post Office has been the focal point of the island community, between the North and South Forks of eastern Long Island. Separated by water from family, friends, and business partners, for 150 years the local post office was Shelter Islander's link with the outside world. Every day, except Sundays, for the past 150 years island residents gather at their post office to pick up their mail, visit with friends and neighbors, and discuss the latest local news.

The Shelter Island Post Office quickly became the town's central meeting place, like the town square of a New England Village. It was the post office where most islanders learned of new births and recent deaths, graduations, new businesses, and new neighbors. If the local baymen who plied the surrounding Peconic Bay for fish, lobsters, scallops, and clams were having a successful season, they would hear of it at the post office.

During its 150 years, the Shelter Island Post Office has moved around the downtown area several times. It was chased from its original site that it shared with a blacksmith, cobbler, butcher, and country store. After a fire destroyed the building in 1891, the post office moved across the street to Duvall's Corner. The old mail drop slot is still at the old Gibbs Home. After another move, the post office settled in its present location in 1960.

During its 150 years, the Shelter Island Post Office has been led by several dedicated postmasters. Perhaps most impressive among them was Archibald Havens, who took over for the original postmaster in 1848 and remained through 1893. Civil War veteran Elias Havens Payne took over next and stayed through 1915; Alice Sherman ran the office for 22 years and Melva Sherman, mother of current Shelter Island Town Supervisor Huson Sherman, was postmaster from 1967–74.

At a special anniversary celebration on August 24, Postmaster Estelle Simes postmarked each letter with a special, significant design of a Long Island Osprey, a majestic seahawk that is indigenous to Shelter Island. The anniversary postmark is a pen and ink drawing done by Island artist Carol Wilson. Current Postmaster Estelle Simes even has available an anniversary cachet depicting the original post office building. A great deal of time has passed since it first opened in 1846, but the important role that the Shelter Island Post Office serves in its community has not changed. I join all Shelter Island residents in saluting its post office as it heads into its next 150 years of outstanding service to local residents.

CONGRATULATIONS TO RHODE ISLAND'S WESTERN CRANSTON LITTLE LEAGUE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. REED. Mr. Speaker, I rise today to pay tribute to Rhode Island's Western Cranston Little League team, winners of the Little League National Championship.

Western Cranston was comprised of 14 players: Lucas Ashton, Jacob Bazirgan, Brett Bell, Lewis Colby, Evan DiZoglio, Christopher Gallo, Matt Lovejoy, Michael Luke, Tom Michael, Jonathan Sparling, Peter Spinelli, Craig Stinson, Ricky Stoddard, and Paul Tavarozzi. Under the guidance of coaches Mike Varrato, Nick DiNezza, Larry Lapore, and Benny Marandola, these 14 young men quickly transformed into a championship team.

On July 24, the Western Cranston Little Leaguers were among 7,000 teams playing in 83 countries on 6 continents, beginning a quest for the Little League World Series. On August 25, 3 cities, 16 games, and 1 Little League National Championship later, Western Cranston returned home to a hero's welcome, when over 7,000 Rhode Islanders packed Cranston Stadium to congratulate them.

That this Nation's smallest State could produce its best Little League team is a tribute to the spirit of Rhode Islanders, as well as the teamwork and never-say-die attitude of these 14 young men. With the help of their families and coaches and the support of Rhode Island, Western Cranston traveled to Williamsport, PA and achieved what was unthinkable just a month before. They inspired a nation and brought immeasurable pride and joy to their State.

Today, I am indeed proud to say that my home town of Cranston is the home of the Little League National Champions. Mr. Speaker, I ask my colleagues to join me in saluting the Western Cranston Little League team.

IN HONOR OF FRED CASTRO AND HIS 32 YEARS OF DEDICATED PUBLIC SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize the exceptional dedication of Mr. Fred Castro, a dedicated member of the Park and Recreation Commission. Fred has given over 32 years of outstanding service to the residents of California's 13th Congressional District.

Fred Castro was born in Modesto and grew up in Oakland. As a young man, he joined the Navy and was stationed at Pearl Harbor when it was bombed. He served his country in the Pacific for the remainder of World War II. When he returned, he married his wife Lorraine on March 3, 1946. Fred also served during the Korean conflict, returning to the Bay Area to work in the shipyards at Mare Island, Hunters Point, and the Naval Supply Center in Oakland.

Fred and Lorraine have lived in Union City since the early 1960's. In 1964, Fred was appointed to the first Parks and Recreation Commission in Union City by Mayor Will Davis. Since then, Fred Castro has tirelessly served our community for the past 32 years. The 17 parks and 2 community centers in Union City were all developed during Fred Castro's years of service to the 13th district. Fred worked to put together the bond measure in 1968 to build the Kennedy Center, and he was the chair of the dedication ceremony for the Holly Center.

Throughout his career, Fred continued to promote parks and recreation through his involvement with the California Association of Parks and Recreation Commissioners and Board Members. Not only was he on the board for many years, but he was president in 1990. In addition to his continued support to our community, Fred also found time to represent commissioners and board members on

the California Parks and Recreation Society, District III board.

Fred Castro has been a mentor to many professionals within the parks and recreation community. The 13th district has been greatly enriched by Fred Castro's enthusiasm and dedication.

Mr. Speaker, I ask you and my colleagues to join me in thanking Mr. Fred Castro for 32 years of exceptional public service.

TESTIMONY OF DR. KENNETH LUTGEN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. RADANOVICH. Mr. Speaker, I recently learned that Dr. Kenneth Lutgen, deputy general secretary for the United Methodist Committee on Relief will be testifying this fall before the Senate Foreign Relations Committee, Subcommittee on European Affairs. Dr. Lutgen is an insightful individual who possesses an excellent command of the projects necessary to bring economic stability and political calm back to the war-torn areas of Bosnia. I would like to include for the RECORD a useful summary that Dr. Lutgen has provided me in advance of his subcommittee remarks.

SUMMARY OF PROPOSED TESTIMONY ON THE BOSNIAN PEACE PROCESS BY THE UNITED METHODIST COMMITTEE ON RELIEF [UMCOR] TO THE SENATE FOREIGN RELATIONS COMMITTEE, SUBCOMMITTEE ON EUROPEAN AFFAIRS

The testimony will be presented by Dr. Kenneth Lutgen, the Deputy General Secretary for the United Methodist Committee on Relief.

Dr. Lutgen will present a summary of UMCOR's programs in Bosnia and Herzegovina. The UMCOR Former Yugoslavia Program began in 1993 and has since expanded to over 15 projects, with a current total value of over $42,000,000. UMCOR is operating out of eight program offices throughout Bosnia and has a staff of over 220.

UMCOR, as well as other non-governmental organizations (NGOs) operating in Bosnia, is deeply concerned about the current U.S. Government policy toward assistance to the Bosnian reconstruction. As we understand it, the current policy of the U.S. Agency for International Development (USAID) is to channel all funds for Bosnia through two projects, (1) the Municipal Infrastructure project, and (2) the Bosnia Reconstruction Finance Facility. These projects are designed to work primarily through U.S. contractors and banks, large Bosnian firms, and the Bosnian Government. There will be no funds available directly to assist vulnerable groups, repatriating refugees, or microenterprises, groups traditionally reached by NGO activities.

We feel that these projects overlook the benefits NGOs can provide to reaching other groups, as well as a longer-term effect on the Peace Process and the strengthening of democracy in Bosnia.

The unique benefits of NGOs include:

Constituency: Many NGOs have large constituencies who support their overseas programs. UMCOR represents 10 million United Methodists worldwide who support projects with cash, relief supplies, and their own time. UMCOR has sent over 250 United Methodist volunteers into Bosnia, providing assistance in everything from building construction to skilled psychological support for traumatized youth. UMCOR has contributed about $4.7 million in private resources to Bosnia since 1993.

Rapid Response: NGOs are on the ground, have the experience, connections, and demonstrated capacity to move quickly when the U.S. Government wants something done. When the U.S. Government wanted to implement $25 million worth of housing reconstruction immediately this year, they turned to the NGOs.

Competitive Pricing: NGOs were not allowed to compete for MIS and BRFF. We feel that NGOs can do provide the same level of work as a for-profit contractor at a lower price and, in addition, bring substantial in-kind contribution to the projects. NGOs have the capacity to implement large programs: UMCOR is currently implementing a $30 million Shelter Materials project funded by the United Nations High Commissioner for Refugees and a $6.3 million Emergency Shelter program funded by USAID/Office of Foreign Disaster Assistance.

Sustainability: While a contractor will do the job and leave, NGOs are committed towards sustainable development and consider the development of capable local organizations an important goal of their activities. UMCOR's USAID-funded Municipal Rehabilitation Project has rebuilt houses and community facilities, while promoting inter-ethnic cooperation which will last long after UMCOR leaves Bosnia.

Strengthening of Democracy: Many of the activities of NGOs directly implement the goals of the Dayton accord, such as conflict resolution, electoral mobilization, and inter-ethnic cooperation.

Civilian Security: NGOs, by working closely with beneficiaries, provide a sense of security. Throughout the war, NGOs were there for the most vulnerable groups and have built up credibility with Bosnians. Working with for-profit groups brings in new players with no credibility at the grass roots level.

Positive Popular Impact: NGOs are popular with Bosnians and present a positive image for the U.S. Groups whose principal goal is to help the Bosnian people increase good will towards the U.S.

We agree with the need for large infrastructure and enterprise promotion programs, but we feel that this is not a complete response to the needs of the Bosnian people and the Bosnian Peace Process.

We feel that the USAID projects are overly top-down and do not address the needs of vulnerable groups.

There will be no funds specifically for income-generation, which would reach those in-need. Instead funds are channeled only through large-scale enterprise promotion vehicles.

Sectors where NGOs typically work, including education, social programs, promotion of civil society, and conflict resolution, are being neglected by current U.S. Government assistance.

The MIS and BRFF projects work with new players who will need to build up relations and experience of working in Bosnia's unique environment. This represents time lost in Bosnia's reconstruction.

Therefore, UMCOR recommends the following changes to the U.S. Government civilian policy in Bosnia:

1. That the U.S. Agency for International Development (USAID) make future funding for the Municipal Infrastructure Program (MIS) available through open bidding, allowing NGOs to compete.

2. That $30 million be set aside for NGOs from the Bosnian Reconstruction Finance Facility (BRFF) to implement microenterprise activities.

3. That the $10 million in agricultural resources currently set aside for the USDA Food for Progress program for Bosnia be made available to NGOs to implement food or monetization programs.

4. That the USAID Partnership with NGOs be re-established in Bosnia and Herzegovina.

CONCLUSION

We have heard the U.S. Government speak of the need for a relief-to-development ''continuum,'' in which an emphasis is made to ensure a smooth transition from relief activities to more sustainable development activities. We do not believe the current policy is following a continuum. Rather than including all levels of Bosnian society, the U.S. Government is making a rapid shift toward working only with the Bosnian Government and larger businesses. This limits assistance which is direct to vulnerable groups and microenterprises which potentially could employ significant numbers of people. This policy is not a continuum, it is a step backwards, away from all the accomplishments made by U.S. Government assistance in Bosnia over the last few years.

RECOGNIZING CHINESE NATIONAL DAY

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. BAKER of California. Mr. Speaker, on October 9, several thousand men and women will gather in San Francisco to celebrate the 85th anniversary of the National Day of the Republic of China. This event recognizes the beginning of China's move toward democracy, and deserves the recognition of this House.

This past spring, the Republic of China held the first-ever democratic election of its President. Prior to the election, I had the privilege of meeting with Mr. Chen Rong-jye, the second-ranking official of the Taipei Economic and Cultural Office here in Washington. He showed me a map on which was indicated the locations of mainland China's missile launchings in the area around Taiwan, launchings intended to intimidate the Republic of China and discourage its democratic elections.

This bullying tactic failed. The courage of the Republic of China and its people deserves high praise wherever liberty is of value, most especially in our own country.

National Day is a time when the Chinese people can reflect on a proud heritage and contemplate a future of hope and promise. I am pleased to extend my best wishes to all in San Francisco who will gather to rejoice in the blessings and benefits of their history, and commend them for upholding the values of family, work, responsibility, and love of freedom so faithfully.

DELAURO HONORS HOMETOWN OLYMPIAN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Ms. DELAURO. Mr. Speaker, I am delighted to rise today to honor Steven Segaloff as he returns from the 1996 Summer Olympic games in Atlanta, GA. On Wednesday, August

14 the Jewish Community Center of Greater New Haven sponsored a Welcome Olympian celebration for Steven.

I have known Steven for many years and am a close friend of his parents, Barbara and Jim Segaloff. It gives me great pleasure to be able to recognize Steven's achievements. As a member of the Olympic crew team, Steven has embodied all that we have come to expect and admire in Olympic athletes. Originally introduced to the sport by his father, Steven has truly made it his own.

Crew is a sport which requires exceptional teamwork. The coxswain must coordinate the eight men rowing, guide the boat, and motivate the team. It is the role of the coxswain to pull the team together to function as a cohesive unit. This role demands keen judgment and extraordinary skill as a tactician. Throughout his rowing career, Steven has proven himself to be a master of these skills and an invaluable member of the team.

Steven first began to row at the Yale Boathouse on the Housatonic River in Derby, where he filled in for regular varsity coxes when they missed practice. He continued to cox for Cornell University's Varsity crew team. Upon graduation from Cornell, Steven went to work for Senator JOSEPH BIDEN as a staff assistant to the Senate Judiciary Committee in 1993. However, his plans to continue in politics and law were put on hold indefinitely when he was asked to cox for the national team. In the past 3 years of preparation for the Olympics, Steven has coxed the national team to first place finishes at the 1994 World Rowing Championships, the 1994 Henley Royal Regetta in London, the 1994 Goodwill Games, and the 1995 Pan American Games in Argentina.

Steven came to the Olympic games with the same drive and determination that he brought to those competitions. The U.S. team qualified for the finals with a win in the first heat and finished in fifth place. Although Steven is disappointed to have missed the gold medal, New Haven is nothing but proud. Steven has shown all of us the beauty of an athlete pursuing a dream with extraordinary commitment, dedication, and passion. He has truly embodied the spirit of the Olympic games.

I am very pleased to join Steven's parents and friends as they welcome him back from the Olympics. I offer my heartfelt congratulations on a job well done. The United States has everything to be proud of in this great athlete.

A TRIBUTE TO CONGREGATION TIFERETH ISRAEL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Congregation Tifereth Israel in Greenport, Long Island, NY, a focal point of Jewish religious and cultural life on Long Island's North Fork since it was founded 95 years ago.

Founded in 1901 by a few trail-blazing Jewish families, many of them merchants that settled near the North Fork's easternmost point, this sanctuary has flourished into a cornerstone of the Greenport community. On September 8, 1996, the Congregation Tifereth Israel, known to many as the Greenport Jewish Center, will celebrate its 95th anniversary.

The temple's origins date back to the late 1800's, when these Jewish families came to this bucolic fishing village seeking an improved economic lifestyle in the countryside 100 miles east of New York City. The orthodox believers among them founded Tifereth Israel in October of 1901 with the desire to build a synagogue to feed their spiritual hunger and to encourage development of a larger Jewish community.

While the founders worked to raise the $1,430 needed to build the original temple, congregation members opened their homes for Sabbath and Holy Day services. By May of 1903 enough was raised to build a modest New England-style cottage that served as the synagogue. A devout Orthodox congregation, the synagogue was constructed with a balcony for female worshippers, a bina or dais in the sanctuary's center, and a ritual pool called a Mikvah in the basement. The Torah Ark was built against the rear wall and faced east, symbolizing the hope that Jerusalem would be restored as the capitol of Judaism and the sacred temple rebuilt to replace the one destroyed by the Romans in 70 A.D.

When a rabbi was hired, the synagogue's board of directors required that he devote 3 hours each day to religious education. Education remains a vital component of the temple's activities that include a Hebrew school, Bar and Bat Mitzvah instruction, adult classes, lectures and intercongregational activities. To accommodate its membership, the synagogue was enlarged in the 1920's though the sanctuary was left intact. During the temple's life span a more ritual centrist Jewish population settled in the area affecting an ideological change in the synagogue's practices, including no longer segregating the genders during services and allowing women to become full participants in all rituals.

Throughout its 95 years, Tifereth Israel has been deservedly known for its benevolent efforts, raising money for charities and offering assistance to needy members of the congregation and community a large. The synagogue's members are vital contributors to the Greenport Ecumenical Council, raising funds and aiding the needy of all faiths. Tifereth Israel congregants are also active supporters of the Patish Outreach effort at St. Agnes Roman Catholic Church.

Just as importantly, the congregation has strived to preserve its Jewish heritage and offer its members spiritual sustenance. In that steadfast commitment to its own religious and cultural heritage, the synagogue has enriched the entire east end of Long Island. Congratulations, Tifereth Israel. Mazel Tov.

IN TRIBUTE TO W. FERRELL SHUCK, PUBLISHER OF THE LEE'S SUMMIT JOURNAL

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Ms. McCARTHY. Mr. Speaker, I rise today to pay tribute to one of Missouri's great newsmen, W. Ferrell Shuck, publisher of the Lee's Summit Journal. On October 18, Mr. Shuck will be formally inducted into the Missouri Press Association Newspaper Hall of Fame in honor of his exemplary contributions to journalism, his leadership in the industry, and his commitment to the community.

Mr. Shuck started in the newspaper business 45 years ago as a young newspaper carrier. As his interest in newspapers developed, Mr. Shuck began writing and worked his way to sports editor for the Daily Gazette in McCook, NE. He later worked in advertising sales and management at the Daily Star in Miles City, MT, and the Omaha World Herald. Mr. Shuck has served as publisher for the Bates County Democrat in Butler, MO, Townsend Communications and the Lee's Summit Journal where he has published papers for 28 years. He also is a longtime member and the current secretary of the Missouri Press Association.

Those who work with him at the Journal say his intense love and knowledge of the newspaper business grows each and every day. Always striving for excellence, Mr. Shuck continues to oversee every aspect of the newspaper's production. His wisdom and experience ensures depth and substance in news coverage. Mr. Shuck also is known for his attention to detail, often catching the smallest typo before the paper goes to print.

Having served communities throughout the heartland, Mr. Shuck has developed a deep understanding and appreciation of the American experience. He has been described as the ''conscience of Lee's Summit'' for his role as a community watchdog and for his efforts to improve the quality of life for area residents.

Mr. Shuck does not simply report on events and life in Lee's Summit. He is an integral part of the community, one of the fastest growing areas in the State. In his efforts to promote economic development and contribute as a community partner, he serves as a member of the Lee's Summit Chamber of Commerce, the Lee's Summit Downtown Main Street, Inc., Lee's Summit Economic Development Council and Lee's Summit Rotary.

Mr. Shuck is being recognized in Lee's Summit today by his friends, family, staff, and neighbors. We salute his commitment to solid journalism, uncompromising integrity, and community enhancement. I send my sincere congratulations to Mr. Shuck, his family, and all at the Lee's Summit Journal who contribute to his success and help fulfill his vision.

INTRODUCING A BILL TO REDUCE MEDICARE PAYMENTS TO TRANSPLANT CENTERS FOR GENERAL OVERHEAD COSTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. STARK. Mr. Speaker, today I am introducing a bill which will save Medicare millions of dollars each year. This savings will not involve a decrease in coverage for Medicare beneficiaries. It simply allows us to stop paying someone else's laundry bill, and I mean that literally.

Medicare was established to provide basic protection against the costs of health care while providing quality services. As organ transplants became a medical reality, Medicare became a full insurer for kidney, heart,

lung, and liver transplants. Hospitals must apply for certification to perform each type of transplant and receive Medicare reimbursement. There are approximately 160 hospitals across the country which hold such contracts.

We seem to be under the impression that because we have approved these facilities, all of the items in their bills to Medicare are justified. But this is not the case; hospitals add on approximately 25 percent of an imported organ's acquisition cost to cover a portion of administrative and general overhead costs, such as laundry, housekeeping services, rent, and utilities. This add-on system cost Medicare $22 million in 1995.

Let me back up for a moment and put this in context. Under the diagnostic related group [DRG] system, Medicare pays hospitals a set rate for each type of injury or illness. The DRG payment covers all items and services provided by the hospital to the patient, and includes an allocation for overhead associated with each service rendered. Organ acquisition is covered separately from the DRG for organ transplants. In this case, Medicare separately reimburses transplant centers for the acquisition cost of each organ. It is this cost to which hospitals make the add-on. The problem lies particularly with cases in which the organ is imported from an organ procurement organization.

Mr. Speaker, I do not mean to imply that hospitals have acted inappropriately. It is normal practice for hospitals to distribute their overhead to cost centers which are not covered by DRG's. Indirect costs are allocated across the board to all possible cost centers. However, the DRG for organ transplantation already includes an allocation for overhead. Since no medical service is associated with simply acquiring an organ from an outside agency and then billing Medicare for the organ, adding a portion of unrelated administrative and general costs is unreasonable.

For example, if acquiring an organ cost a hospital $10,000, Medicare would be billed that amount plus an extra 25 percent, bringing the total to $12,500. This process bleeds the system of millions every year by charging Medicare more than its share of the overhead costs associated with transplants. The 25 percent add-on is not associated with medical services to the patient, nor administrative or general services other than billing Medicare. If we allow this practice to continue, Health and Human Services estimates suggest that this will cost Medicare as much as $35 million in 1999.

The bill would amend title XVIII of the Social Security Act to provide for savings in the Medicare Program by reducing overhead payment for Medicare transplant centers. It states that hospitals may not allocate their general or administrative costs to the acquisition cost of organs imported for transplant as they determine costs to be reimbursed by Medicare. This is a bill to improve the efficiency of the Medicare Program, an objective I believe we all would like to accomplish.

CONGRATULATIONS TO COMMAND SGT. MAJ. JOSEPH C. TAITANO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend and congratulate Command Sgt. Maj. Joseph C. Taitano of the Guam Army National Guard on his distinguished career and his well-earned retirement. A 30-year veteran, Command Sergeant Major Taitano served in Vietnam and in the Persian Gulf.

Born in the village of Tamuning, he is the son of Henry and Josephine Taitano. He grew up in the village of Dededo and attended George Washington Senior High School. Upon graduating in 1966, he enlisted in the Army where he rose from the ranks. Serving in various leadership positions ranging from squad leader to command sergeant major, Command Sergeant Major Taitano holds the distinction of being the only soldier to have served in all of the Army's components in the sergeant major position. His assignments included tours of duty with the 101st Airborne Division in Vietnam and the Army Central Command/3d U.S. Army in the Persian Gulf. He was also stationed at a number of locations prior to being assigned to the Guam Army National Guard.

A host of awards and decorations were conferred to him during three decades of service. They include, among others, two Bronze Star Medals, five Meritorious Service Medals, five Army Commendation Medals and an Army Achievement Medal. Aside from attending the University of Guam, Command Sergeant Major Taitano received a wide range of formal military and technical training. He also completed numerous leadership courses including the Command Sergeant Major Course.

After 30 years of distinguished and dedicated service, Command Sergeant Major Taitano has chosen to retire from the Army in order to spend more time with his family. In addition to the great contributions his military career has made toward the strength and security of this Nation, Command Sergeant Major Taitano's achievements have undoubtedly brought pride to the Island of Guam and its people. He is a role model; he is a leader; he is a great representative of his island home.

I join his parents, Henry and Josephine Taitano, who, together with his children—Nolan, Samantha, Neal, Sophina, and their mother Elizabeth—are proud to celebrate his great accomplishments. On behalf of the people of Guam, I congratulate Command Sergeant Major Taitano. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors.

Si Yu'os Ma'ase' CSM Taitano.

NATIONAL MARINE SANCTUARIES PRESERVATION ACT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 3487, the National Marine Sanctuaries Preservation Act. This bill contains language I introduced in the Committee on Resources to amend the boundaries of the Flower Garden Banks Marine Sanctuary in the Gulf of Mexico to include a nearby area known as Stetson Bank. The Flower Garden Banks Sanctuary was established by Congress in 1992, and has been a model for the National Marine Sanctuary Program. It is located 120 miles off the Texas coast and protects the northernmost living coral reefs on the U.S. Continental Shelf. The Sanctuary Program has demonstrated our ability to preserve and protect valuable marine resources, such as the coral reefs of the Flower Garden Banks, while sustaining the important multiple uses of the surrounding marine environment.

Stetson Bank is a small coral bank approximately three-quarters of a square mile in area. Currently, it is a no activity zone under Mineral Management Service regulations which prohibit exploring, developing, or producing oil, natural gas, or minerals. Stetson Bank provides habitat for a spectacular array of fish and invertebrates and is a feeding ground for manta rays, whale sharks, and spotted dolphins.

These resources have made this area a popular destination for sport divers to spearfish and collect shells; activities which have resulted in depletion of the natural resources and severe anchor damage to the coral formations. These effects have led local scientists and sports diving groups to request inclusion of Stetson Bank in the protection and preservation measures of the Flower Gardens Bank Sanctuary. This will help ensure these valuable resources will be preserved for future uses.

I would like to thank Chairman YOUNG, ranking member MILLER and their staffs for their help bringing this bipartisan legislation to the floor. I would also like to thank the petroleum industry representatives for their help. I believe this is a piece of legislation that will add to the economic and ecological riches of the gulf, and I urge the support of my colleagues.

TRIBUTE TO PASTOR L.M. THORNE

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man of great commitment and devotion, Pastor L.M. Thorne. For over 30 years, Pastor Thorne has spread God's word to countless individuals while enriching the lives of those who know him. He is truly an inspiration to us all.

Pastor Thorne committed himself at a very young age to spreading the Gospel of the Lord His formal training began at the Southeastern Bible College in Lakeland, FL, where he received a bachelor of theology. He then went on to earn a doctor of divinity at the Christian International University.

Pastor Thorne established the Abundant Life Church in Fort Walton Beach, FL, and Samson, AL, in the mid-1970's. The Fort Walton Beach church boasts an extremely active congregation of over 500 families, active not only in the local community, but across the Nation and abroad as well. Abundant Life has sent numerous missionaries to the foreign

mission field and eight senior pastors to local churches in the United States. The Christian Life School of Theology and the Life Enrichment Training School have prepared many Christian men and women led by the power of the Holy Spirit to pursue the Christian life.

Throughout his ministry, Pastor Thorne has remained humble and kept his focus on God even as he has been recognized nationally for his work. He has ministered at numerous leadership conferences in the United States around the world. In addition, Pastor Thorne is a district overseer in the Liberty Fellowship of Churches and Ministers and is a member of the Evangel Fellowship of Churches and Ministers.

Mr. Speaker, Pastor Thorne is a shining example of the goodness of people. He has indeed made a difference and continues to positively influence the lives of so many by spreading the Word of God. Pastor Thorne has led the kind of life for which I think we all should strive and I thank God for blessing us with his work.

TRIBUTE TO ROLLIE MULLEN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1996

Mr. MILLER of California. Mr. Speaker, it is with deep personal sadness that I rise today to share with my colleagues the passing of Rollie Mullen of Moraga, CA.

Rollie was a truly remarkable woman who left an indelible mark on our entire community. Her career of over 15 years with Battered Women's Alternatives was never just a job to Rollie—it was a passion. Her advocacy and activism on behalf of families living with the fear of domestic violence won her considerable praise—Entrepreneur of the Year Award from Inc magazine and the Haas School of Business, United Way's Seaton Manning Award for Outstanding Agency Professional of the Bay Area, and the San Francisco Foundation's John R. May Award for creative leadership. But more important to Rollie was the attention it brought to this critical social issue. Rollie believed that we as a society have a responsibility not only to intervene in case of domestic violence, but to take steps to prevent violence in the home from ever occurring. She put this prevention ideology into practice at Battered Women's Alternatives with much success, and she effectively used this success to promote domestic violence prevention as part of our public policy agenda.

Rollie's death is a tremendous loss that will be felt by our community for some time to come. Yet those of us who knew her take great comfort in knowing that her spirit is still with us in the health and security of the countless families who have been healed through her efforts. She was a caring, dedicated individual. She was my friend, and I will miss her.

I would like to enclose the following article from the Contra Costa Times about Rollie Mullen.

[From the Contra Costa Times, Aug. 10, 1996]

SERVICES PLANNED AUG. 19 FOR WOMEN'S CENTER HEAD

(By Maria Camposeco)

Friends, famiy and admirers from across the country are expected at services Aug. 19 for Rollie Mullen, a rape-crisis volunteer who transformed a small shelter into the pre-eminent Battered Women's Alternatives of Contra Costa.

''We are going to celebrate her values,'' said Mullen's husband of 33 years, Joe Mullen.

The 56-year-old Mullen died Thursday of an infection contracted following cancer surgery last month.

A family marriage counselor from Moraga, Mullen joined the Concord battered women's shelter as a volunteer in 1979 and became executive director in 1985.

Mullen raised the facility's profile and budget with the help of private donors, including the late Dean Lesher, founder and publisher of the Times newspapers.

''Rollie Mullen was the backbone of Battered Women's Alternatives and she is the reason Dean involved himself in building a transitional housing center, and why I have involved myself,'' said Lesher's widow, Margaret Lesher. ''Rollie Mullen cannot be replaced, but I think the best way we can honor her is to go forward with her project.''

A celebration Mass is scheduled at 6:30 p.m. Aug. 19, at St. Monica's Catholic Church, 1001 Camino Pablo, Moraga. A reception will follow.

In addition to her husband, Mullen is survived by her children, Joseph William Mullen III of New York; Rollie Killeen of Moraga; Patty Studer of Seattle; father, Arthur J. McGinnis of New Jersey; four siblings; and two grandchildren.

The family asks that in lieu of flowers, donations be sent to Battered Women's Alternatives, P.O. Box 6406, Concord, CA 94524.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 5, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 6

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for August.
SD–562

SEPTEMBER 10

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on issues with regard to the chemical weapons convention.
SD–226

3:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
Business meeting, to mark up H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997.
SD–192

SEPTEMBER 11

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act, focusing on the role of Federal, State, and local governments in surface transportation.
SD–406

10:00 a.m.
Judiciary
To hold hearings to examine competition in the telecommunications industry.
SD–226

SEPTEMBER 12

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1695, to authorize the Secretary of the Interior to access up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park.
SD–366

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997.
SD–192
Armed Services
Personnel Subcommittee
To hold hearings on the practices and procedures of the investigative services of the Department of Defense and the military departments concerning investigations into the deaths of military personnel which may have resulted from self-inflicted causes.
SH–216

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues with regard to United States climate change policy.
SD–366
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building
Indian Affairs
To hold hearings to examine economic development on Indian reservations.
SR–485

SEPTEMBER 18

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act, and S. 1998, to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act.
SD–366

SEPTEMBER 19

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1539, to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, S. 1583, to establish the Lower Eastern Shore American Heritage Area, S. 1785, to establish in the Department of the Interior the Essex National Heritage Area Commission, and S. 1808, to establish a program for the preservation of additional historic property throughout the Nation.
SD–366

SEPTEMBER 24

9:30 a.m.
Indian Affairs
To hold hearings to examine civil jurisdiction in Indian country.
SR–485

SEPTEMBER 25

9:30 a.m.
Indian Affairs
To hold hearings to examine the phase out of the Navajo/Hopi relocation program.
SR–485

CANCELLATIONS

SEPTEMBER 5

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1852, to bar class action lawsuits against Department of Energy contractors for nonphysical injuries, to bar the award of punitive damages against Department of Energy contractors for incidents occurring before August 20, 1988.
SD–366

POSTPONEMENTS

SEPTEMBER 5

10:00 a.m.
Judiciary
To resume hearings to examine the dissemination of Federal Bureau of Investigation background investigation reports and other information to the White House.
SD–G50

Daily Digest

HIGHLIGHTS

House passed 25 bills and 1 concurrent resolution under suspension of the rules.

Senate

Chamber Action

Routine Proceedings, pages S9777–S9867

Measures Introduced: Three bills were introduced, as follows: S. 2052–2054. **Page S9853**

Measures Passed:

Indian Land Claims: Senate passed H.R. 740, to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe, clearing the measure for the President. **Page S9863**

Antarctic Environmental Protection Act: Senate passed H.R. 3060, to implement the Protocol on Environmental Protection to the Antarctic Treaty, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1645, to regulate United States scientific and tourist activities in Antarctica, and to conserve Antarctic resources, with the following amendment: **Pages S9863–67**

Bond (for Stevens) Amendment No. 5186, to provide for a polar research and policy study. **Pages S9863–64**

Subsequently, S. 1645 was returned to the Senate calendar. **Page S9867**

VA/HUD Appropriations: Senate continued consideration of H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, taking action on further amendments proposed thereto, as follows: **Pages S9778–S9835**

Adopted:

Committee amendment on page 104, lines 21 through 24, relating to NASA's Bion mission. (By 42 yeas to 54 nays (Vote No. 266), Senate failed to table the amendment.) **Pages S9778, S9799**

By 79 yeas to 18 nays (Vote No. 268), McCain Modified Amendment No. 5177, to require a plan for the allocation of Department of Veterans Affairs health care resources. **Pages S9797–98, S9820**

Bond Amendment No. 5167, to further amend certain provisions relating to housing. **Pages S9778, S9822–23**

Bond Amendment No. 5181, to establish a requirement for HUD to maintain public notice and comment rulemaking. **Pages S9823–24**

Bond (for Shelby) Amendment No. 5182, to provide for the conveyance of certain real property to the City of Tuscaloosa, Alabama. **Page S9824**

McCain Modified Amendment No. 5176, to restrict the use of FEMA funds for certain activities. **Pages S9795–96, S9824**

Bond Amendment No. 5183, of a technical nature. **Page S9824**

Bond (for Bennett) Amendment No. 5184, to provide for a GAO audit on staffing and contracting of the Office of Federal Housing Enterprise Oversight. **Page S9825**

Mikulski (for Sarbanes/Warner/Feinstein) Amendment No. 5185, to prohibit the consolidation of NASA aircraft at Dryden Flight Research Center, California. **Page S9825**

Rejected:

Bumpers Amendment No. 5178, to prohibit the use of funds on the space station program. (By 60 yeas to 37 nays (Vote No. 267), Senate tabled the amendment.) **Pages S9799–S9820**

Withdrawn:

Thomas Amendment No. 5179, to increase funding for the Council on Environmental Quality. **Pages S9825–26**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto. **Pages S9821–22**

Military Construction Appropriations Conference Report—Agreement: A unanimous-consent time-

agreement was reached providing for the consideration of the conference report on H.R. 3517, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, on Thursday, September 5, 1996, with a vote to occur thereon. **Page S9820**

D.C. Appropriations Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 3845, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, on Thursday, September 5, 1996, with a vote to occur thereon.

Page S9820

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Taxation Agreement with Turkey (Treaty Doc. No. 104–30);

Taxation Convention with Austria (Treaty Doc. No. 104–31);

Taxation Protocol Amending Convention with Indonesia (Treaty Doc. No. 104–32); and

Taxation Convention with Luxembourg (Treaty Doc. 104–33).

The treaties were transmitted to the Senate on Tuesday, September 3, and Wednesday, September 4, 1996, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S9862–63**

Messages From the House: **Page S9852**

Measures Read First Time: **Page S9867**

Communications: **Page S9853**

Statements on Introduced Bills: **Pages S9853–55**

Additional Cosponsors: **Pages S9855–56**

Amendments Submitted: **Pages S9856–57**

Notices of Hearings: **Page S9857**

Authority for Committees: **Page S9857**

Additional Statements: **Pages S9857–62**

Notice of Proposed Rulemaking: **Pages S9835–47**

Record Votes: Three record votes were taken today. (Total—268) **Pages S9799, S9820**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:02 p.m., until 9:30 a.m., on Thursday, September 5, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9867).

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF ENERGY

Committee on Energy and Natural Resources: Committee held hearings on S. 1678, to abolish the Department of Energy, receiving testimony from Representative Tiahrt; Charles B. Curtis, Deputy Secretary of Energy; Harold P. Smith, Jr., Assistant to the Secretary of Defense (Nuclear and Chemical and Biological Defense Programs); Victor S. Rezendes, Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Capt. John W. Crawford, Jr., USN (Ret.), Member, Defense Nuclear Facilities Safety Board; Caspar Weinberger, Forbes Magazine, Washington, D.C.; Shelby T. Brewer, S. Brewer Enterprises, Inc., Simsbury, Connecticut; Carole Keeton Rylander, Railroad Commission of Texas, Austin; and Egidio V. Silveri, Go-Tane Service Stations, Inc., Melrose Park, Illinois.

Hearings were recessed subject to call.

TEEN DRUG USE

Committee on the Judiciary: Committee concluded hearings to examine certain issues with regard to the recent rise in teenage drug use, after receiving testimony from Senator McConnell; Donna E. Shalala, Secretary of Health and Human Services; Barry R. McCaffrey, Director, Office of National Drug Control Policy; and John P. Walters, New Citizen Project, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 4018–4023; 2 private bills, H.R. 4024–4025; and 1 resolution, H.J. Res. 189, were introduced. **Page H10040**

Reports Filed: Reports were filed as follows:

H.R. 2135, to provide for the correction of boundaries of certain lands in Clark County, Nevada, acquired by persons who purchased such lands in

good faith reliance on existing private land surveys, amended (H. Rept. 104–755);

H.R. 401, Kenai Natives Association Equity Act, amended (H. Rept. 104–756);

H.R. 2107, to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, amended (H. Rept. 104–757);

H.R. 1179, to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities amended (H. Rept. 104–758);

H.R. 3547, to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; amended (H. Rept. 104–759);

H.R. 3147, to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands amended (H. Rept. 104–760);

H.R. 2711, to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale (H. Rept. 104–761, Part I);

H.R. 2710, to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe, amended (H. Rept. 140–762);

H.R. 2709, to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California, amended (H. Rept. 104–763);

H.R. 2518, to authorize the Secretary of Agriculture to exchange certain lands in the Wenatchee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, Washington, amended (H. Rept. 104–764);

H.R. 2512, to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, amended (H. Rept. 104–765);

H.R. 2438, to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, amended (H. Rept. 104–766);

H.R. 3642, to provide for the transfer of public lands to certain California Indian Tribes (H. Rept. 104–767);

H.R. 3903, to require the Secretary of the Interior to sell the Sly Park Dam and Reservoir, amended (H. Rept. 104–768);

S. 1467, to authorize the construction of the Fort Peck Rural County Water Supply System and to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, amended (H. Rept. 104–769);

H.R. 3910, to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, amended (H. Rept. 104–770);

H.R. 3537, to improve coordination of Federal Oceanographic programs, amended (H. Rept. 104–771, Part I);

H.R. 2122, to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, amended (H. Rept. 104–772, Part I);

H. Res. 516, providing for consideration of H.R. 3719, to amend the Small Business Act and Small Business Investment Act of 1958 (H. Rept. 104–773); and

H. Res. 517, providing for consideration of H.R. 3308, to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control (H. Rept. 104–774). **Pages H10039–40**

Suspensions: The House voted to suspend the rules and pass the following measures:

Consumer Hotline: H.R. 447, amended, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made (passed by a yea-and-nay vote of 367 yeas to 9 nays with 1 voting ''present'', Roll No. 402); **Pages H9930–32, H9983**

FTC Reauthorization: H.R. 3553, to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; **Pages H9932–33**

Propane Education and Research: H.R. 1514, amended, to authorize and facilitate a program to enhance safety, training, research, and development, and safety education in the propane gas industry for the benefit of propane consumers and the public; **Pages H9933–36**

Medicaid Enrollment: H.R. 3871, to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; **Pages H9936–38**

Impact Aid: Concurred in the Senate amendment to H.R. 3269, to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property—clearing the measure for the President; **Pages H9938–40**

GAO Management Reform: H.R. 3864, amended, to reform the management practices of the General Accounting Office. Agreed to amend the title; **Pages H9940–50**

Ukraine Independence: H. Con. Res. 120, amended, supporting the independence and sovereignty of

Ukraine and the progress of its political and economic reforms (agreed to by a recorded vote of 382 ayes to 1 no with 1 voting "present", Roll No. 403); **Pages H9950–53, H9984**

Voice of America Recordings: H.R. 3916, to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings; **Pages H9953–54**

Reclamation Recycling and Water Conservation: H.R. 3660, amended, to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act; **Pages H9954–57**

Fort Peck Water Supply System: S. 1467, amended, to authorize the construction of the Fort Peck Rural County Water Supply System and to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system; **Pages H9957–58**

Kenai Natives Association: H.R. 401, amended, entitled the Kenai Natives Association Equity Act; **Pages H9958–61**

Lake Tahoe Basin National Forest: H.R. 2122. amended, to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture; **Page H9961**

Nevada Boundary Correction: H.R. 2135, amended, to provide for the correction of boundaries of certain lands in Clark County, Nevada, acquired by persons who purchased such lands in good faith reliance on existing private land surveys. Agreed to amend the title; **Pages H9961–62**

Hanford Reach Preservation Act: H.R. 2292, amended, to preserve and protect the Hanford Reach of the Columbia River; **Pages H9962–66**

Gunnison County Colorado Land Conveyance: H.R. 2438, amended, to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado; **Page H9966**

Wenatchee National Forest Land Exchange: H.R. 2518, amended, to authorize the Secretary of Agriculture to exchange certain lands in the Wenatchee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, Washington; **Pages H9966–67**

Del Norte County, California Land Conveyance: H.R. 2709, amended, to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California; **Pages H9967–68**

Elkhorn Ridge Timber: H.R. 2711, to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale; **Pages H9968–69**

California Bureau of Land Management Transfer: H.R. 3147, amended, to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands; **Pages H9969–70**

Indian Health Care Demonstration Program: H.R. 3378, to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors; **Pages H9970–71**

Apache National Forest: H.R. 3547, amend, to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; **Pages H9971–72**

Royalty Simplification Technical Corrections: H.R. 4018, to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982; **Page H9972**

Historically Black Colleges and Universities Restoration and Preservation Act: H.R. 1179, amended, to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; **Pages H9972–74**

National Marine Sanctuaries Preservation: H.R. 3487, amended, to reauthorize the National Marine Sanctuaries Act; **Pages H9974–79**

Wyoming Fish and Wildlife Conveyance: H.R. 3579, amended, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming; and **Pages H9979–80**

Commemorative Coin Program: H.R. 3793, amended, to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States. **Pages H9981–83**

Recess: The House recessed at 3:29 p.m. and reconvened at 5 p.m. **Page H9980**

Referrals: Six Senate-passed measures were referred to the appropriate House committees. **Page H10018**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H10041–43.

Senate Messages: Message received from the Senate today appears on page H9927.

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of the House today and appear on pages H9983 and H9984. There were no quorum calls.

Adjournment: Met at 12 noon and adjourned at 9:31 p.m.

Committee Meetings

SMALL BUSINESS IMPROVEMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3719, Small Business Improvement Act of 1996. The rule waives points of order against the bill and against its consideration for failure to comply with clause 2(l)(2)(B) of rule XI (requiring rollcall votes to be printed in the committee report). The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI (prohibiting appropriations in an authorization measure). The rule provides priority in recognition to those amendments that are preprinted in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce to 5 minutes the voting time on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Meyers.

UNITED STATES ARMED FORCES PROTECTION ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule providing 1 hour of debate on H.R. 3308, United States Armed Forces Protection Act of 1996. The rule provides that the bill be considered as read. The rule makes in order only those amendments printed in the report of the Committee on Rules. The rule provides that amendments may be considered only in the order specified, may be offered only by a Member designated in the report and the amendments shall be considered as read. The rule further provides that the amendments shall be debatable for the time specified in the report equally divided between the proponent and an opponent. The amendments shall not be subject to amendment and shall not be subject to a demand for a division of the question. The rule permits the Chairman of the Committee of the Whole to postpone votes on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes provided that the first vote is not less than 15 minutes. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Spence.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 5, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, closed business meeting, to consider certain pending military nominations, 5 p.m., S–407, Capitol.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System, S. 1564, to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act and the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, S. 1719, Texas Reclamation Projects Indebtedness Purchase Act, S. 1921, to transfer certain facilities at the Minidoka project to Burley Irrigation District, S. 1986, to provide for the completion of the Umatilla Basin Project, and S. 2015, to convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District, 2 p.m., SD–366.

Committee on Foreign Relations, to hold hearings on the nominations of John Francis Maisto, of Pennsylvania, to be Ambassador to the Republic of Venezuela, and Anne W. Patterson, of Virginia, to be Ambassador to the Republic of El Salvador, 10:30 a.m., SD–419.

Full Committee, to hold hearings on the nominations of Genta Hawkins Holmes, of California, to be Ambassador to Australia, Arma Jane Karaer, of Virginia to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands, and as Ambassador to the Republic of Vanuatu, and John Stern Wolf, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC), 2 p.m., SD–419.

Select Committee on Intelligence, to hold hearings on proposed legislation requiring notification to Congress with regard to change in United States policy, 9:30 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E1513 in today's Record.

House

Committee on Banking and Financial Services, Subcommittee on General Oversight and Investigations, hearing on Money Laundering Activity Associated with the Mexican Narco-Crime Syndicate, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, oversight hearing on the National Regulatory Commission, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, oversight hearing on Federal

Employees Health Benefits Program (FEHB), 9:30 a.m., 2154 Rayburn.

Subcommittee on Human Resources and Intergovernmental Relations, hearing on Excluding Fraudulent Providers from Medicaid, 10 a.m., 2247 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on protecting freedom on speech and neighborhood safety under the Fair Housing Act, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on H.R. 3852, Comprehensive Methamphetamine Control Act of 1996, 9:30 a.m., 2226 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing regarding the removal of criminal and illegal aliens, 1 p.m., B–352 Rayburn.

Committee on Rules, Subcommittee on Rules and Organization of the House and the Subcommittee on Legislative and Budget Process, to continue joint hearings on Building on Change: Preparing for the 105th Congress, 9:30 a.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on H.R. 3923, Aviation Disaster Family Assistance Act of 1996, 9:30 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 5

Senate Chamber

Program for Thursday: Senate will consider the conference report on H.R. 3517, Military Construction Appropriations, and the conference report on H.R. 3845, District of Columbia Appropriations, with votes to occur thereon.

Senate will also resume consideration of H.R. 3666, VA/HUD Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 5

House Chamber

Program for Thursday: Consideration of H.R. 3308, United States Armed Forces Protection Act of 1966 (structured rule, 1 hour of general debate); and

Consideration of H.R. 3719, Small Business Programs Improvement Act of 1996 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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