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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

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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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.

□ 1215

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 decreased 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.

□ 1415

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 Wenatchee 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 longstanding 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
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)
Brownback
Bryant (TX)
Bunn
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
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
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
Hancock
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
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
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
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
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
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—1

Jacobs

ANSWERED "PRESENT"—1

Barr

NOT VOTING—49

Andrews
Berman
Brown (FL)
Bryant (TN)
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
Kingston
Klug
Lantos
Lightfoot
Lincoln
McKeon
Metcalf
Millender-McDonald
Minge
Murtha
Nadler
Norwood
Pastor
Ramstad
Rohrabacher
Royce
Rush
Tanner
Tiahrt
Torricelli
Williams
Young (AK)
Zeliff
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 co-sponsoring 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''.