

copy of D.C. Act 9-178, "Archbishop Carroll High School Equitable Real Property Tax Relief Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3180. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-179, "Holy Land Spiritual Temple Equitable Real Property Tax Relief Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3181. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-180, "Parish of Our Lady Queen of Americas Equitable Real Property Tax Relief Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3182. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-181, "Pipeline Safety Penal Provisions Amendment Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3183. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-182, "Young Women's Christian Association of the National Capital Area Equitable Real Property Tax Relief Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3184. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-183, "Folger Shakespeare Library Equitable Real Property Tax Relief Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3185. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-184, "Advisory Neighborhood Commissions Boundaries Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3186. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-185, "District of Columbia Real Property Tax Revision Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3187. A letter from the Secretary of Education, transmitting Final Regulations—Library Services and Construction Act State-Administered Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3188. A letter from the Chairman, Federal Communications Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3189. A letter from the Administrator, Environmental Protection Agency, transmitting the Department's 1990 annual report on progress in implementing requirements concerning the Nation's worst hazardous waste sites, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

¶35.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagreed to the amendments of the House to the bill (S. 1306) entitled "An Act to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Admin-

istration, and for other purposes," and agreed to the conference asked by the House on the disagreeing votes of the two houses thereon, and appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, Mr. COATS, Mr. THURMOND, and Mr. DURENBERGER to be the conferees on the part of the Senate.

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

S. Con. Res. 102. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies; and

S. Con. Res. 103. Concurrent resolution authorizing the rotunda of the United States Capitol to be used on January 20, 1993, in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States.

The message also announced, that pursuant to Public Law 102-240, the Chair, on behalf of the Republican Leader, appointed Mr. Ralph Stanley of Virginia, as a member of the Commission to Promote Investment in America's Infrastructure.

¶35.4 APPOINTMENT OF CONFEREES—S. 3

The SPEAKER announced the appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes: Messrs. ROSE, GEJDENSON, GEPHARDT, SWIFT, PANETTA, SYNAR, KLECZKA, THOMAS of California, EDWARDS of Oklahoma, LIVINGSTON, and WALSH.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 103 and 202 of the Senate bill, and section 802 of the House amendment, and modifications committed to conference: Messrs. DINGELL, MARKEY, and LENT.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 104, 404, 409, and 411 of the Senate bill, and section 103 of the House amendment, modifications committed to conference: Messrs. CLAY, MCCLOSKEY, and GILMAN.

By unanimous consent, the Speaker reserved the authority to make additional appointments of conferees.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶35.5 HIGHER EDUCATION AID

The SPEAKER pro tempore, Mr. HOAGLAND, pursuant to House Resolution 403 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3553) to amend and extend the Higher Education Act of 1965.

Mr. PEASE, Chairman of the Committee of the Whole, resumed the

chair; and after some time spent therein,

¶35.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HENRY:

Page 383, strike line 9 and all that follows through line 3 on page 884 and insert the following:

"(2)(A) With respect to any institution that offers athletically related student aid, the institution will—

"(i) cause an annual compilation, independently audited not less often than every 3 years, to be prepared within 6 months after the end of its fiscal year, of—

"(I) the total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, derived by the institution from its intercollegiate athletics activities;

"(II) the total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, made by the institution for its intercollegiate athletics activities; and

"(III) the total revenues and operating expenses of the institution; and

"(ii) make the reports on such compilations and, where allowable by State law, the audits available for inspection by the Secretary and the public.

"(B) For the purpose of subparagraph (A)—

"(i) revenues from intercollegiate athletics activities allocable to a sport shall include without limitation gate receipts, broadcast revenues, appearance guarantees and options, concessions and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only; and

"(ii) expenses for intercollegiate athletics activities allocable to a sport shall include without limitation grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

It was decided in the } Yeas 28
negative } Nays 385

¶35.7 [Roll No. 56]

AYES—28

Allard	Gradison	Sensenbrenner
Ballenger	Hefley	Shaw
Barton	Henry	Stearns
Broomfield	Hopkins	Taylor (NC)
Coughlin	Ireland	Upton
DeLay	Johnson (TX)	Walker
Doolittle	McCrery	Zeliff
Gekas	McMillan (NC)	Zimmer
Gingrich	Petri	
Goss	Roukema	

NOES—385

Abercrombie	Bennett	Bunning
Ackerman	Bentley	Burton
Alexander	Bereuter	Bustamante
Allen	Berman	Byron
Anderson	Bevill	Callahan
Andrews (ME)	Bilbray	Camp
Andrews (NJ)	Bilirakis	Campbell (CA)
Andrews (TX)	Blackwell	Campbell (CO)
Annunzio	Bliley	Cardin
Anthony	Boehlert	Carper
Applegate	Boehner	Carr
Archer	Bonior	Chandler
Aspin	Borski	Chapman
Atkins	Boucher	Clement
Bacchus	Boxer	Clinger
Baker	Brewster	Coble
Barnard	Brooks	Coleman (MO)
Barrett	Brown	Coleman (TX)
Bateman	Bruce	Collins (IL)
Beilenson	Bryant	Collins (MI)

Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbun
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glichrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto

Hyde
Inhofe
Jacobs
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleccka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard

Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpaluis
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (WY)
Thornton
Torres
Towns
Trafigant
Traxler

Unsoeld
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walsh
Washington
Waters

Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolf

NOT VOTING—21

Arney
AuCoin
Browder
Clay
Dannemeyer
Donnelly
Ewing

Jenkins
Levine (CA)
Martinez
McCloskey
Miller (WA)
Morrison
Mrazek

Peterson (FL)
Russo
Stark
Thomas (GA)
Torricelli
Visclosky
Whitten

So the amendment was not agreed to. After some further time,

35.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GRADISON:

—Page 233, beginning on line 6, strike out all of Section 439 through page 251, line 15 and insert the following new section.

SEC. 439. STUDENT LOAN MARKETING ASSOCIATION FINANCIAL SAFETY AND SOUNDNESS.

(a) **SHORT TITLE.**—This section may be cited as the “Government-Sponsored Education Association Financial Safety and Soundness Act of 1992”.

(b) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the Student Loan Marketing Association has important public missions that are reflected in the statutes establishing the Association;

(2) because the continued ability of the Student Loan Marketing Association to accomplish its public missions is important to providing education in the United States, more effective Federal regulation is needed to reduce the risk of failure of the Association;

(3) the Student Loan Marketing Association currently poses minimal financial risk to the Federal Government;

(4) the Student Loan Marketing Association is not backed by the full faith and credit of the United States;

(5) the entity regulating the Student Loan Marketing Association should have sufficient autonomy from the Association and special interest groups; and

(6) the entity regulating the Student Loan Marketing Association should have the authority to establish capital standards, require financial disclosure, prescribe adequate standards for books and records and other internal controls, conduct examinations when necessary, and enforce compliance with the standards and rules that it establishes.

(c) **DEFINITIONS.**—For purposes of this Act:

(1) **COMPENSATION.**—The term “compensation” means any payment of money or the provision of any other thing of current or potential value in connection with employment.

(2) **CORE CAPITAL.**—The term “core capital” means, with respect to the Student Loan Marketing Association, the sum of the following (as determined in accordance with generally accepted accounting principles):

(A) The par value of outstanding common stock.

(B) The par value of outstanding preferred stock.

(C) Paid-in capital.

(D) Retained earnings.

(3) **DIRECTOR.**—The term “Director” means the Director of the Office of SLMA Market Examination and Oversight of the Department of Treasury.

(4) **ASSOCIATION.**—The term “Association” means the Student Loan Marketing Associa-

tion and any subsidiary thereof, other than the College Construction Loan Insurance Association.

(5) **EXECUTIVE OFFICER.**—The term “executive officer” means, with respect to the Association, the chief executive officer of the Association, chief financial officer of the Association, president of the Association, vice chairman of the Association, any executive vice president of the Association, and any senior vice president of the Association in charge of a principal business unit, division, or function.

(6) **OFFICE.**—The term “Office” means the Office of SIMA Market Examination and Oversight of the Department of Treasury.

(7) **REGULATORY CAPITAL.**—The term “regulatory capital” means, with respect to the Association—

(A) the core capital of the Association plus any allowances for losses (including any allowance for losses related to student loan purchases); plus

(B) any other amounts from sources of funds available to absorb losses incurred by the Association, that the Director by regulation determines are appropriate to include in determining regulatory capital.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Treasury.

(9) **CAPITAL DISTRIBUTION.**—

(A) **IN GENERAL.**—The term “Capital Distribution” means—

(i) a dividend or other distribution in cash or in kind made with respect to any share or other ownership interest of the Association, except a dividend consisting only of shares of the Association;

(ii) a payment made by the Association to repurchase, redeem, retire, or otherwise acquire any of its shares, including any extension of credit made to finance an acquisition of such share, or

(iii) a transaction that the Director determines by an order or regulation to be in substance the distribution of capital.

(B) **EXCEPTION.**—A payment made by the Association to repurchase its shares for the purpose of fulfilling the Association’s obligation under an existing employee stock ownership plan that is a qualified plan under Section 401 of the Internal Revenue Code shall not be considered a capital distribution.

(d) **ESTABLISHMENT OF OFFICE OF SLMA MARKET EXAMINATION AND OVERSIGHT.**—Effective January 1, 1993, there shall be established in the Department of Treasury the Office of SLM Market Examination and Oversight, which shall be an office within the Department.

(e) **DIRECTOR.**—The Office shall be under the management of a full-time Director, who shall be selected by and report to the Secretary. An individual may not be selected as Director if the individual has served as an executive officer of the Association at any time during the 5-year period ending upon the selection of such individual.

(f) **AUTHORITY OF DIRECTOR.**—

(1) **EXCLUSIVE AUTHORITY.**—The Director shall make determinations and take actions that the Director determines necessary with respect to the Association regarding—

(A) examinations of the Association under subsection (z);

(B) decisions to appoint conservators for the Association;

(C) enforcement actions under this Act, including any final decisions in contested administrative enforcement proceedings; and

(D) approval of capital distributions by the Association under section 439(f) of the Higher Education Act.

The authority of the Director under this paragraph shall not be subject to the review or approval of the Secretary.

(2) **AUTHORITY SUBJECT TO APPROVAL OF SECRETARY.**—Any authority of the Director