

H.R. 3275: Mr. BLUTE, Mr. McHALE, Mr. CREMEANS, Mr. WOLF, Mr. RAMSTAD, Mr. HOBSON, Mr. SOLOMON, and Mr. FAWELL.

H.R. 3286: Mr. INGLIS of South Carolina.

H.R. 3294: Mr. ABERCROMBIE, Mr. MILLER of California, Mr. ACKERMAN, Ms. ESHOO, Mr. BROWN of California, and Mr. MANTON.

H.R. 3300: Mr. HOSTETTLER, Mr. LARGENT, Mr. TALENT, Mr. DUNCAN, and Mr. HEFLEY.

H. Con. Res. 10: Ms. RIVERS, Mr. MANTON, and Mr. SPRATT.

H. Con. Res. 47: Mr. SALMON, Mr. GANSKE, Mr. EHLERS, and Mr. FILNER.

H. Con. Res. 50: Mr. FUNDERBURK.

H. Con. Res. 83: Mr. JEFFERSON.

H. Con. Res. 139: Mr. KINGSTON.

H. Con. Res. 151: Mr. BECERRA, Mr. ROMERO-BARCELO, Mr. GREEN of Texas, Mr. FORD, Mr. BERMAN, Mr. RANGEL, Mrs. MINK of Hawaii, and Mr. DIAZ-BALART.

H. Con. Res. 154: Mr. STARK, Mr. PAYNE of Virginia, Mr. ACKERMAN, Mr. POMEROY, Mr. CLYBURN, Mr. MARTINEZ, Mr. HINCHEY, and Mr. WYNN.

H. Con. Res. 156: Ms. WOOLSEY.

H. Con. Res. 160: Mr. HALL of Ohio, Mr. CLINGER, Mr. FUNDERBURK, Mr. TORRICELLI, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. ROHRBACHER, Mr. McDADE, Mr. MATSUI, Mr. BEILSON, Mrs. MORELLA, Mr. HORN, Mr. LEACH, Mr. WARD, Mr. MANZULLO, Mr. WOLF, Mr. KIM, Mr. EHRlich, Mrs. KELLY, Mrs. SCHROEDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RICHARDSON, Mr. TOWNS, Mr. McDERMOTT, Mr. REED, Mr. WALSH, Mr. SOLOMON, Mr. LAFALCE, Ms. VELAZQUEZ, Ms. NORTON, Mr. FRELINGHUYSEN, Mr. GUNDERSON, Mr. OXLEY, Mr. HOBSON, and Mr. McNULTY.

¶49.30 PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of Chief Ambassador and Consul General, Republic of Texas, relative to a copy of "Diplomatic Notice of Perfection of International Relations Between the United States of America and the 'Republic of Texas'"; which was referred to the Committee on the Judiciary.

¶49.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rules XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1972: Mr. METCALF.

H.R. 2951: Mr. BROWN of California.

WEDNESDAY, MAY 1, 1996 (50)

The House was called to order by the SPEAKER.

¶50.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, April 30, 1996.

Mr. CHABOT, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. CHABOT objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶50.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2691. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Early Warning Reporting Requirements, Minimum Financial Requirements, Prepayment of Subordinated Debt, Gross Collection of Exchange—Set Margin for Omnibus Accounts and Capital Charge on Receivables from Foreign Brokers (RIN: 3038-AB011 and 3038-AB12) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2692. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Ethics Training for Registrants (RIN: 3038-AB09) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2693. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Concerns (DFARS Case 95-D039) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2694. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 12th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2695. A letter from the 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. 735, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

2696. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for the Special Studies Program received May 1, 1996, pursuant to 5 U.S.C. 801(a)(91)(B); to the Committee on Economic and Educational Opportunities.

2697. A letter from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Chlorofluorocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses (Docket No. 92P-0403) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages (RIN: 2127-AF68) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Replacement Light Source Information; Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment (RIN: 2127-AF65) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2700. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuthiuro; Pesticide Tolerances (FRL-4995-8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2701. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance for Iprodione (FRL-5360-3) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2702. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lactofin; Pesticide Tolerance (FRL-5362-9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2703. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees (FRL-5365-2) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2704. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tefluthrin; Renewal of Time-Limited Tolerances (FRL-5358-5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2705. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Xanthan Gum-Modified, Produced by the Reaction of Xanthan gum and Glyoxal; Tolerance Exemption (FRL-5359-5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2706. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; State of Rhode Island (FRL-5465-9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2707. 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; Ohio (FRL-5458-8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List (FRL-5465-5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2709. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance (FRL-5364-5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance (FRL-5365-6) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2711. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DTC-21-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2712. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a

proposed license for the export of defense articles or defense services sold commercially to the Ministry of Defense of Brunei (Transmittal No. DTC-23-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2713. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-18-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2714. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2715. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations (22 CFR Part 126 received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A)); to the Committee on International Relations.

2716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-254, "Sports Commission Conflict of Interest Temporary Amendment Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

2717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-258, "Banking and Branching Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

2718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-260, "Tax Revision Commission Establishment Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

2719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-261, "Contribution Limitation Initiative Amendment Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

2720. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statements of board members, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

2721. A letter from the Human Resources Manager, CoBank, transmitting the annual report to the Congress and the Comptroller General of the United States for CoBank—National Bank for Cooperatives Retirement Plan for the year ending December 31, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2722. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Equal Employment Opportunity; Policies and Procedures (FR-3323) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2723. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2724. A letter from the Chairman, Federal Trade 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.

2725. A letter from the Director, Office of Personnel Management, transmitting the Office's final rules—(1) Federal Employees Health Benefits Programs: Filing Claims; Disputed Claims Procedures and Court Actions (RIN: 3206-AH36) and (2) Federal Employees Health Benefits Acquisition Regulation Filing Health Benefits Claims; Addition of Contract Clause (RIN: 3206-AG30) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2726. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995; pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manchester Harbor, MA (RIN: 2115-AE47) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers (RIN: 2127-AF79) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety Program Procedures; Updates and Corrections (RIN: 2137-AC79) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Fuel System Integrity (RIN: 2127-AG30) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems (RIN: 2127-AG28) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes (RIN: 2120-AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Elimination of Unnecessary and Duplicate Hazardous Materials Regulations (RIN: 2137-AC69) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards for Surface Waters in Arizona (FRL-5467-9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2735. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rules—Treatment of Underwriters in Section 351 and Section 721 Transactions (RIN: 1545-AT55) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Way and Means.

2736. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Environmental Settlement Funds—Classification (RIN: 1545-AT02) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2737. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers to Investment Companies (RIN: 1545-AT43) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2738. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diversification of Common Trust Funds (RIN: 1545-AQ64) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2739. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Debt Instruments Subject to Both Section 475 and the Principal-Reduction Method of Accounting (Notice 96-23, 1996-16 I.R.B. 23) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2740. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled the "Methamphetamine Control Act of 1996"; jointly, to the Committees on the Judiciary, Commerce, and Ways and Means.

¶50.3 MEXICO-UNITED STATES

INTERPARLIAMENTARY GROUP

The SPEAKER, pursuant to the provisions of 22 United States Code 276h, appointed to the Mexico-United States Interparliamentary Group the following Members on the part of the House:

Mr. KOLBE, Arizona, Chairman; Mr. BALLENGER, Vice Chairman; Mr. GILMAN, Mr. DREIER, Mr. GALLEGLY, Mr. MANZULLO, Mr. BILBRAY, Mr. DE LA GARZA, Mr. RANGEL, Mr. MILLER of California, Mr. GEJDENSON, AND Mr. FILNER.

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

¶50.4 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. HAYWORTH, by unanimous consent, the following committees and their subcommittees were granted permission to sit today during the 5-minute rule: the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on House Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

¶50.5 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule I, announced the unfinished busi-

ness to be the question on agreeing to the Chair's approval of the Journal of Tuesday, April 30, 1996.

The question being put, *viva voce*, Will the House agree to the Chair's approval of said Journal?

The SPEAKER *pro tempore*, Mr. GUTKNECHT, announced that the yeas had it.

Mr. HAYWORTH objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	<table border="0"> <tr> <td rowspan="4"> <table border="0"> <tr> <td>Yeas</td> <td>358</td> </tr> <tr> <td>Nays</td> <td>51</td> </tr> <tr> <td>Answered present</td> <td>1</td> </tr> </table> </td> </tr> </table>	<table border="0"> <tr> <td>Yeas</td> <td>358</td> </tr> <tr> <td>Nays</td> <td>51</td> </tr> <tr> <td>Answered present</td> <td>1</td> </tr> </table>	Yeas	358	Nays	51	Answered present	1	
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				Yeas	358				
				Nays	51				
Answered present	1								

¶50.6

[Roll No. 139]

YEAS—358

Ackerman	Crane	Hall (TX)
Allard	Crapo	Hamilton
Andrews	Cremeans	Hancock
Archer	Cubin	Hansen
Army	Cummings	Hastert
Bachus	Cunningham	Hastings (FL)
Baessler	Danner	Hastings (WA)
Baker (CA)	Davis	Hayworth
Baker (LA)	Deal	Hefner
Baldacci	DeLauro	Heger
Ballenger	DeLay	Hinchey
Barcia	Dellums	Hobson
Barr	Deutsch	Hoekstra
Barrett (NE)	Diaz-Balart	Hoke
Barrett (WI)	Dickey	Holden
Bartlett	Dicks	Horn
Barton	Dingell	Hostettler
Bass	Dixon	Houghton
Bateman	Doggett	Hoyer
Becerra	Dooley	Hunter
Bentsen	Doolittle	Hutchinson
Bereuter	Dornan	Hyde
Billbray	Doyle	Inglis
Bilirakis	Dreier	Istook
Bishop	Duncan	Jackson (IL)
Bliley	Dunn	Jackson-Lee
Blute	Edwards	(TX)
Boehlert	Ehlers	Jefferson
Boehner	Ehrlich	Johnson (CT)
Bonilla	Emerson	Johnson, E.B.
Bonior	English	Johnson, Sam
Bono	Eshoo	Johnston
Boucher	Evans	Jones
Brewster	Ewing	Kanjorski
Browder	Farr	Kasich
Brown (OH)	Fattah	Kelly
Brownback	Fawell	Kennedy (MA)
Bryant (TN)	Fazio	Kennedy (RI)
Bunn	Fields (LA)	Kennelly
Bunning	Flake	Kildee
Burr	Foglietta	Kim
Burton	Foley	King
Buyer	Forbes	Kingston
Callahan	Ford	Kleccka
Calvert	Fowler	Klink
Camp	Fox	Klug
Campbell	Frank (MA)	Knollenberg
Canady	Franks (CT)	Kolbe
Cardin	Franks (NJ)	LaHood
Castle	Frelinghuysen	Lantos
Chabot	Frisa	Largent
Chambliss	Furse	LaTourette
Christensen	Gallegly	Laughlin
Chrysler	Ganske	Lazio
Clayton	Gejdenson	Leach
Clement	Gekas	Lewis (CA)
Clinger	Geren	Lewis (KY)
Clyburn	Gilchrist	Lightfoot
Coble	Gilman	Lincoln
Coburn	Gonzalez	Linder
Coleman	Goodlatte	Lipinski
Collins (GA)	Goodling	LoBiondo
Collins (MI)	Gordon	Lofgren
Combest	Goss	Lowe
Condit	Graham	Lucas
Conyers	Green (TX)	Luther
Cooley	Greene (UT)	Maloney
Costello	Greenwood	Manton
Cox	Gunderson	Manzullo
Coyne	Gutknecht	Markey
Cramer	Hall (OH)	Martinez

Mascara	Peterson (FL)	Smith (MI)
Matsui	Peterson (MN)	Smith (TX)
McCarthy	Petri	Smith (WA)
McCollum	Pomero	Solomon
McCrary	Porter	Souder
McDade	Portman	Spence
McHale	Poshard	Spratt
McHugh	Pryce	Stearns
McInnis	Quillen	Stenholm
McIntosh	Quinn	Stokes
McKeon	Radanovich	Studds
McKinney	Rahall	Stump
McNulty	Ramstad	Stupak
Meehan	Rangel	Tanner
Metcalf	Reed	Tate
Meyers	Regula	Tauzin
Mica	Richardson	Taylor (NC)
Millender-McDonald	Riggs	Tejeda
Miller (FL)	Roberts	Thomas
Minge	Roemer	Thompson
Mink	Rogers	Thornberry
Mollohan	Rohrabacher	Thornton
Montgomery	Ros-Lehtinen	Thurman
Moorhead	Rose	Tiahrt
Moran	Roth	Torres
Morella	Roukema	Torricelli
Murtha	Roybal-Allard	Towns
Myers	Royce	Traficant
Myrick	Salmon	Upton
Nadler	Sanford	Vucanovich
Neal	Sawyer	Walker
Nethercutt	Saxton	Wamp
Neumann	Scarborough	Ward
Ney	Schaefer	Waters
Norwood	Schiff	Watt (NC)
Nussle	Schumer	Watts (OK)
Obey	Scott	Waxman
Olver	Seastrand	Weldon (FL)
Ortiz	Sensenbrenner	Weldon (PA)
Orton	Serrano	White
Owens	Shadegg	Whitfield
Oxley	Shaw	Wicker
Packard	Shays	Williams
Parker	Shuster	Woolsey
Paxon	Sisisky	Wynn
Payne (NJ)	Skaggs	Yates
Payne (VA)	Skeen	Young (AK)
Pelosi	Skelton	Young (FL)
	Slaughter	Zeliff

NAYS—51

Abercrombie	Hefley	Pickett
Borski	Heineman	Pombo
Brown (CA)	Hilleary	Rush
Brown (FL)	Hilliard	Sabo
Chenoweth	Jacobs	Schroeder
Collins (IL)	LaFalce	Smith (NJ)
DeFazio	Latham	Stark
Durbin	Levin	Stockman
Engel	Lewis (GA)	Talent
Ensign	Longley	Taylor (MS)
Everett	Martini	Torkildsen
Filner	McDermott	Velazquez
Flanagan	Meek	Vento
Funderburk	Menendez	Visclosky
Gephardt	Miller (CA)	Volkmer
Gillmor	Oberstar	Weller
Gutierrez	Pallone	Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—23

Beilenson	Frost	Pastor
Berman	Gibbons	Rivers
Bevill	Hayes	Sanders
Bryant (TX)	Johnson (SD)	Walsh
Chapman	Kaptur	Wilson
Clay	Livingston	Wise
de la Garza	Moakley	Wolf
Fields (TX)	Molinari	

So the Journal was approved.

¶50.7 PROVIDING FOR THE CONSIDERATION OF H.R. 2651

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 418):

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into Committee of the Whole House on the state of the Union of consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service.

The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. After passage of H.R. 2641, it shall be in order to take from the Speaker's table the bill S. 1338 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2641 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1338 and request a conference with the Senate thereon.

When said resolution was considered. After debate,

Ms. PRYCE moved the previous question on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House now order the previous question?

The SPEAKER *pro tempore*, Mr. GUTKNECHT, announced that the yeas had it.

MR. HALL of Ohio objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	<table border="0"> <tr> <td>Yeas</td> <td>219</td> </tr> <tr> <td>Nays</td> <td>203</td> </tr> </table>	Yeas	219	Nays	203
		Yeas	219		
Nays	203				

¶50.8

[Roll No. 140]

YEAS—219

Allard	Bilbray	Callahan
Archer	Bilirakis	Calvert
Army	Bliley	Camp
Bachus	Boehner	Campbell
Baker (CA)	Bonilla	Canady
Baker (LA)	Bono	Castle
Ballenger	Brewster	Chabot
Barr	Brownback	Chambliss
Barrett (NE)	Bryant (TN)	Chenoweth
Bartlett	Bunn	Christensen
Barton	Bunning	Chrysler
Bass	Burr	Clinger
Bateman	Burton	Coble
Bereuter	Buyer	Coburn

Collins (GA)	Houghton	Pryce
Combest	Hunter	Quillen
Cooley	Hutchinson	Radanovich
Cox	Hyde	Ramstad
Crane	Inglis	Regula
Crapo	Istook	Riggs
Creameans	Johnson (CT)	Roberts
Cubin	Johnson, Sam	Rogers
Cunningham	Jones	Rohrabacher
Davis	Kasich	Ros-Lehtinen
Deal	Kelly	Roth
DeLay	Kim	Roukema
Diaz-Balart	King	Royce
Dickey	Kingston	Salmon
Doolittle	Klug	Sanford
Dornan	Knollenberg	Saxton
Dreier	Kolbe	Scarborough
Dunn	LaHood	Schaefer
Ehlers	Largent	Schiff
Ehrlich	Latham	Seastrand
Emerson	LaTourrette	Sensenbrenner
Ensign	Laughlin	Shadegg
Everett	Lazio	Shaw
Ewing	Lewis (CA)	Shays
Fawell	Lewis (KY)	Shuster
Fields (TX)	Lightfoot	Skeen
Foley	Linder	Smith (MI)
Fowler	Livingston	Smith (NJ)
Fox	LoBiondo	Smith (TX)
Franks (CT)	Longley	Smith (WA)
Franks (NJ)	Lucas	Solomon
Frelinghuysen	Manzullo	Souder
Funderburk	Martini	Spence
Gallegly	McCollum	Stearns
Ganske	McCreery	Stockman
Gekas	McDade	Stump
Gilchrest	McInnis	Talent
Gillmor	McIntosh	Tate
Goodlatte	McKeon	Tauzin
Goodling	Metcalfe	Taylor (NC)
Graham	Meyers	Thomas
Greene (UT)	Mica	Thornberry
Greenwood	Miller (FL)	Tiahrt
Gunderson	Moorhead	Upton
Gutknecht	Morella	Vucanovich
Hancock	Myrick	Walker
Hansen	Nethercutt	Wamp
Hastert	Neumann	Watts (OK)
Hastings (WA)	Ney	Weldon (FL)
Hayworth	Norwood	Weldon (PA)
Hefley	Nussle	Weller
Heineman	Oxley	White
Herger	Packard	Whitfield
Hilleary	Parker	Wicker
Hobson	Paxon	Wolf
Hoekstra	Petri	Young (AK)
Hoke	Pombo	Young (FL)
Horn	Porter	Zeliff
Hostettler	Portman	Zimmer

NAYS—203

Abercrombie	Dellums	Hamilton
Ackerman	Deutsch	Harman
Andrews	Dicks	Hastings (FL)
Baesler	Dingell	Hefner
Baldacci	Dixon	Hilliard
Barcia	Doggett	Hinches
Barrett (WI)	Dooley	Holden
Becerra	Doyle	Hoyer
Beilenson	Duncan	Jackson (IL)
Bentsen	Durbin	Jackson-Lee
Bevill	Edwards	(TX)
Bishop	Engel	Jacobs
Blute	English	Jefferson
Boehrlert	Eshoo	Johnson (SD)
Bonior	Evans	Johnson, E. B.
Borski	Farr	Johnston
Boucher	Fattah	Kanjorski
Browder	Fazio	Kennedy (MA)
Brown (CA)	Fields (LA)	Kennedy (RI)
Brown (FL)	Filner	Kennelly
Brown (OH)	Flake	Kildee
Cardin	Foglietta	Kleczka
Chapman	Forbes	Klink
Clayton	Ford	LaFalce
Clement	Frank (MA)	Lantos
Clyburn	Frisa	Leach
Coleman	Frost	Levin
Collins (IL)	Furse	Lincoln
Collins (MI)	Gejdenson	Lipinski
Condit	Gephardt	Lofgren
Conyers	Geren	Lowe
Costello	Gibbons	Luther
Coyne	Gilman	Maloney
Cramer	Gonzalez	Manton
Cummings	Gordon	Markey
Danner	Green (TX)	Martinez
de la Garza	Gutierrez	Mascara
DeFazio	Hall (OH)	McCarthy
DeLauro	Hall (TX)	McDermott

McHale	Peterson (FL)	Studds
McHugh	Peterson (MN)	Stupak
McKinney	Pickett	Tanner
McNulty	Pomeroy	Taylor (MS)
Meehan	Poshard	Tejeda
Meek	Quinn	Thompson
Menendez	Rahall	Thornton
Millender	Rangel	Thurman
McDonald	Reed	Torkildsen
Miller (CA)	Richardson	Torres
Minge	Rivers	Torricelli
Mink	Roemer	Towns
Moakley	Rose	Trafigant
Mollohan	Roybal-Allard	Velazquez
Montgomery	Rush	Vento
Moran	Sabo	Visclosky
Murtha	Sanders	Volkmer
Nadler	Sawyer	Walsh
Neal	Schroeder	Ward
Oberstar	Schumer	Waters
Obeys	Scott	Watt (NC)
Olver	Serrano	Waxman
Ortiz	Sisisky	Williams
Orton	Skaggs	Wilson
Owens	Skelton	Wise
Pallone	Slaughter	Woolsey
Pastor	Spratt	Wynn
Payne (NJ)	Stark	Yates
Payne (VA)	Stenholm	
Pelosi	Stokes	

NOT VOTING—11

Berman	Goss	Matsui
Bryant (TX)	Hayes	Molinari
Clay	Kaptur	Myers
Flanagan	Lewis (GA)	

So the previous question on the resolution was ordered.

The question being put, *viva voce*, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

50.9 UNITED STATES MARSHALS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to House Resolution 418 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshal Service.

The SPEAKER pro tempore, Mr. GUTKNECHT, by unanimous consent, designated Mr. WICKER as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DICKKEY, assumed the Chair.

When Mr. WICKER, Chairman, pursuant to House Resolution 418, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service Improvement Act of 1996".

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—
(A) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(B) by inserting "United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates." after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed until a successor is appointed.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DICKKEY, announced that the yeas had it.

Mr. BISHOP objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	{	Yeas	351
		Nays	72

50.10 [Roll No. 141]

YEAS—351

Abercrombie	Bartlett	Bonilla
Ackerman	Barton	Bono
Allard	Bass	Borski
Andrews	Bateman	Boucher
Archer	Becerra	Brewster
Armey	Beilenson	Browder
Bachus	Bentsen	Brown (CA)
Baesler	Bereuter	Brown (OH)
Baker (CA)	Bevill	Brownback
Baker (LA)	Bilbray	Bryant (TN)
Baldacci	Bilirakis	Bunn
Ballenger	Bliley	Bunning
Barcia	Blute	Burr
Barr	Boehrlert	Burton
Barrett (NE)	Boehner	Buyer

Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frist
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrist
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley

Heineman
Herger
Hillery
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalfe
Meyers
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker

Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeel
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise

Wolf
Woolsey
Yates
Barrett (WI)
Bishop
Bonior
Brown (FL)
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
Dellums
Dingell
Duncan
Engel
Eshoo
Fattah
Fields (LA)
Filner
Flake
Foglietta
Forbes

Young (AK)
Young (FL)
Zeliff
NAYS—72
Ford
Gejdenson
Gephardt
Gibbons
Green (TX)
Hastings (FL)
Hefner
Hilliard
Hinche
Holden
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kildee
Klink
Lewis (GA)
McDermott
McKinney
McNulty
Meek

Zimmer
Mollohan
Murtha
Neal
Obey
Olver
Owens
Payne (NJ)
Peterson (FL)
Poshard
Rahall
Rangel
Roemer
Rush
Sanders
Sawyer
Stark
Stokes
Thompson
Towns
Visclosky
Waters
Williams
Wynn

NOT VOTING—10

Berman
Bryant (TX)
Clay
Goss

Kaptur
Kleccka
Molinari
Myers
Walker
White

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: "An Act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General."

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§50.11 PROVIDING FOR THE CONSIDERATION OF H.R. 2149

Mr. QUILLEN, by direction of the Committee on Rules, called up the following resolution (H. Res. 419):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. If that amendment is adopted,

the bill, as amended, shall be considered as the original bill for the purpose of further amendment. The bill, as amended, shall be considered by title rather than by section. The first section and each title shall be considered as read. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The amendment printed in part 2 of the report of the Committee on Rules shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. Mr. QUILLEN submitted the following amendment which was agreed to:

Page 3, line 12, strike "an amendment" and insert in lieu thereof "amendment (except pro forma amendments)".

After debate, On motion of Mr. QUILLEN, the previous question was ordered on the resolution, as amended, to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DICKEY, announced that the yeas had it.

Mr. SHUSTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 422
Nays 0

§50.12 [Roll No. 142] YEAS—422

Abercrombie	Bishop	Cardin
Ackerman	Bliley	Castle
Allard	Blute	Chabot
Andrews	Boehlert	Chambliss
Archer	Boehner	Chapman
Armey	Bonilla	Chenoweth
Bachus	Bonior	Christensen
Baesler	Bono	Chrysler
Baker (CA)	Borski	Clayton
Baker (LA)	Boucher	Clement
Baldacci	Brewster	Clinger
Ballenger	Browder	Clyburn
Barcia	Brown (CA)	Coble
Barr	Brown (FL)	Coburn
Barrett (NE)	Brown (OH)	Coleman
Barrett (WI)	Brownback	Collins (GA)
Bartlett	Bryant (TN)	Collins (IL)
Barton	Bunn	Collins (MI)
Bass	Bunning	Combest
Bateman	Burr	Condit
Becerra	Burton	Conyers
Beilenson	Buyer	Cooley
Bentsen	Callahan	Costello
Bereuter	Calvert	Cox
Bevill	Camp	Coyne
Bilbray	Campbell	Cramer
Bilirakis	Canady	Crane

Crapo
Creameans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hillhard
Hinchev
Hobson

Hoekstra
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.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowe
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCreary
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick

Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
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
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)

Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
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
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

It was decided in the negative { Yeas 197
Nays 224

50.15 [Roll No. 143]
AYES—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Billirakis
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Furse
Gejdenson
Gephardt

Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchev
Holden
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Kufner
Lantoso
Levin
Lewis (GA)
Lipinski
Lofgren
Lowe
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey

Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Volkmer
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White

NOES—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning

Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Creameans
Cubin
Cunningham

Davis
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

50.13 OCEAN SHIPPING REFORM

The SPEAKER pro tempore, Mr. DICKEY, pursuant to House Resolution 419 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes.

The SPEAKER pro tempore, Mr. DICKEY, by unanimous consent, designated Mr. REGULA as Chairman of the Committee of the Whole; and after some time spent therein,

50.14 RECORDED VOTE

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

Page 10, line 23, strike "(5)" and insert "(5)(A)".

Page 11, line 7, strike the closing quotation marks and the final period.

Page 11, after line 7, insert the following:

"(B) Notwithstanding subparagraph (A), the essential terms of a contract entered into under this section shall be made publicly available electronically in a manner prescribed by the Commission. This subparagraph does not apply to service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste.

"(C) For purpose of subparagraph (B), the essential terms of a contract shall include—

"(i) the origin and destination port ranges in the case of port-to-port movements, and the original and destination geographic areas in the case of through intermodal movements;

"(ii) the commodity or commodities involved;

"(iii) the minimum volume;

"(iv) the line-haul rate;

"(v) the duration;

"(vi) service commitments; and

"(vii) the liquidated damages for non-performance, if any."

Page 14, line 11, insert "except as provided by section 8(b)(4)(B)," after "(B)".

At the end of section 301(a) of the bill insert the following:

The Secretary of Transportation shall delegate such functions, powers, and duties to the Surface Transportation Board.

Frelinghuysen	Laughlin	Ros-Lehtinen
Funderburk	Lazio	Roth
Galleghy	Leach	Roukema
Ganske	Lewis (CA)	Royce
Gekas	Lewis (KY)	Salmon
Geran	Lightfoot	Sanford
Gilcrest	Lincoln	Scarborough
Gillmor	Linder	Schaefer
Goodlatte	Livingston	Seastrand
Goodling	LoBiondo	Sensenbrenner
Graham	Longley	Shadegg
Greene (UT)	Lucas	Shaw
Greenwood	Manzullo	Shuster
Gunderson	Martinez	Skeen
Gutknecht	Martini	Smith (MI)
Hall (TX)	McCollum	Smith (TX)
Hancock	McCrery	Smith (WA)
Hansen	McHugh	Souder
Hastert	McInnis	Spence
Hastings (WA)	McIntosh	Stearns
Hayes	McKeon	Stenholm
Hayworth	Meyers	Stockman
Hefley	Mica	Stump
Heineman	Miller (FL)	Talent
Hergert	Montgomery	Tate
Hilleary	Moorhead	Tauzin
Hobson	Morella	Taylor (MS)
Hoekstra	Myrick	Taylor (NC)
Hoke	Nethercutt	Thomas
Horn	Neumann	Thornberry
Hostettler	Ney	Tiahrt
Houghton	Norwood	Torkildsen
Hunter	Nussle	Upton
Hutchinson	Oxley	Vucanovich
Hyde	Packard	Walker
Inglis	Parker	Walsh
Istook	Paxon	Wamp
Johnson (CT)	Petri	Watts (OK)
Johnson, Sam	Pombo	Weldon (FL)
Jones	Porter	Weldon (PA)
Kasich	Portman	Weller
Kelly	Pryce	White
Kim	Quillen	Whitfield
Kingston	Radanovich	Wicker
Klug	Ramstad	Wolf
Knollenberg	Regula	Young (AK)
Kolbe	Riggs	Young (FL)
LaHood	Roberts	Zeliff
Latham	Rogers	Zimmer
LaTourette	Rohrabacher	

NOT VOTING—12

Berman	Goss	Myers
Bonilla	Kaptur	Solomon
Bryant (TX)	Largent	Torricelli
Clay	Molinari	Waxman

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

The SPEAKER pro tempore, Mr. KINGSTON, assumed the Chair.

When Mr. REGULA, Chairman, pursuant to House Resolution 419, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 3, line 3, strike "rates;" and insert "rates, charges, classifications, rules, and practices;"

Page 3, line 19, strike "or" and insert "and".

Page 10, line 17, strike the closing quotation marks and the final period.

Page 10, after line 17, insert the following:

"(4) The requirements and prohibitions concerning contracting by conferences contained in sections 5(b) (9) and (10) of this Act shall also apply to any agreement among one or more ocean common carriers that is filed under section 5(a) of this Act."

Page 10, line 23, strike "(4)" and insert "(5)".

Page 14, after line 19, insert the following: (A) by striking subsection (c)(1) and inserting the following:

"(1) boycott, take any concerted action resulting in an unreasonable refusal to deal, or implement a policy or practice that results in an unreasonable refusal to deal;"

Page 14, line 20, strike "(A)" and insert "(B)".

Page 14, line 23, strike "(B)" and insert "(C)".

Page 14, line 25, insert "and" at the end.

Page 15, line 3, strike "; and" and insert a period.

Page 15, strike lines 4 through 9.

Page 19, strike lines 4 through 25 and insert the following:

(1) by striking subsections (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that the Commission determines to be qualified by experience and character to render forwarding services."

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

(3) by inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under this Act or order for reparation issued pursuant to section 11 or 14 of this Act.

"(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas."

(4) in subsection (c), as redesignated by paragraph (2) of this section, by striking "a bond in accordance with subsection (a)(2)" and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1)"; and

(5) in subsection (e), as redesignated by paragraph (2) of this section—

(A) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(B) by adding at the end the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 3 business days, to take independent action on any level of compensation paid to an ocean freight forwarder; or

"(B) agree to limit the payment of compensation to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a common schedule of transportation rates provided under section 8(a) of this Act, and which are assessed against the cargo on which the forwarding services are provided."

Page 24, line 15, strike "United States carriers" and insert "one or more ocean common carriers".

Page 24, strike lines 19 through 24 and insert the following:

"(h)(1) The Secretary shall issue regulations by June 1, 1997, that prescribe procedures and requirements governing the submission of price and other information necessary to enable the Secretary to determine under subsection (g) whether prices charged by carriers are unfair, predatory, or anti-competitive.

"(2)(A) If information provided to the Secretary under this subsection does not result in a finding by the Secretary of a violation of this section or enforcement action by the Secretary, the information may not be made public and shall be exempt from disclosure under section 552 of title 5, United States Code, except for purposes of an administrative or judicial action or proceeding.

"(B) This paragraph does not prohibit disclosure to either House of the Congress or to a duly authorized committee or subcommittee of the Congress."

Page 25, after line 10, insert the following: "SEC. 203. REPORT BY THE SECRETARY.

"The Secretary shall report to the Congress by January 1, 1998, and annually thereafter, on—

"(1) actions taken by the Secretary under the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) and section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708); and

"(2) the effect on United States maritime employment of laws, rules, regulations, policies, or practice of foreign governments, and any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country, that adversely affect the operations of United States carriers in United States oceanborne trade."

Page 25, strike line 14 and all that follows through line 4 on page 26 and insert the following:

SEC. 301. AGENCY TERMINATION.

(a) IN GENERAL.—On September 30, 1997, the Federal Maritime Commission shall terminate and all remaining functions, powers, and duties of the Federal Maritime Commission shall be transferred to the Secretary of Transportation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Federal Maritime Commission, \$19,000,000 for fiscal year 1997.

At the end of the bill, add the following new title:

TITLE IV—MISCELLANEOUS PROVISIONS
SEC. 401. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin. Such transfers shall be made as expeditiously as practicable upon completion of any necessary environmental compliance agreements.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF-105, ATF-110, ATF-149, ATF-158, ATF-159, and ATF-160.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfers required by this section as the Secretary considers appropriate.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. KINGSTON, announced that the yeas had it.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 239
Nays 182

50.16

[Roll No. 144]

YEAS—239

Allard	Fox	Moorhead
Archer	Franks (CT)	Morella
Armey	Franks (NJ)	Murtha
Bachus	Frelinghuysen	Myrick
Baker (CA)	Funderburk	Nethercutt
Baker (LA)	Gallegly	Neumann
Ballenger	Ganske	Ney
Barr	Gekas	Norwood
Barrett (NE)	Geran	Nussle
Bartlett	Gilchrest	Orton
Barton	Gillmor	Oxley
Bass	Goodlatte	Packard
Bateman	Goodling	Parker
Bereuter	Greene (UT)	Paxon
Bevill	Greenwood	Petri
Bilbray	Gunderson	Pombo
Bilirakis	Gutknecht	Porter
Bliley	Hall (TX)	Portman
Blute	Hancock	Pryce
Boehlert	Hansen	Quillen
Boehner	Hastert	Radanovich
Bono	Hastings (WA)	Ramstad
Boucher	Hayes	Regula
Brewster	Hayworth	Riggs
Browder	Hefley	Roberts
Brownback	Heineman	Rohrabacher
Bryant (TN)	Herger	Ros-Lehtinen
Bunn	Hilleary	Roth
Bunning	Hobson	Roukema
Burr	Hoekstra	Royce
Burton	Hoke	Salmon
Buyer	Horn	Sanford
Callahan	Hostettler	Saxton
Calvert	Houghton	Scarborough
Camp	Hunter	Schaefer
Campbell	Hutchinson	Seastrand
Canady	Hyde	Sensenbrenner
Castle	Inglis	Shadegg
Chabot	Istook	Shaw
Chambliss	Johnson (CT)	Shays
Christensen	Johnson, Sam	Shuster
Chrysler	Jones	Skeen
Clement	Kasich	Smith (MI)
Clinger	Kelly	Smith (NJ)
Coble	Kim	Smith (TX)
Coburn	King	Solomon
Collins (GA)	Klug	Souder
Combest	Knollenberg	Spence
Condit	Kolbe	Stearns
Cooley	LaHood	Stenholm
Cox	Largent	Stockman
Cramer	Latham	Stump
Crane	LaTourette	Talent
Crapo	Laughlin	Tanner
Creameans	Lazio	Tate
Cubin	Leach	Tauzin
Cunningham	Lewis (CA)	Taylor (MS)
Davis	Lewis (KY)	Taylor (NC)
de la Garza	Lightfoot	Thomas
Deal	Lincoln	Thornberry
DeLay	Linder	Tiahrt
Diaz-Balart	Livingston	Torkildsen
Dickey	LoBiondo	Upton
Dooley	Longley	Vucanovich
Doolittle	Lucas	Walker
Dornan	Manzullo	Walsh
Dreier	Martinez	Wamp
Duncan	Martini	Watts (OK)
Dunn	McCollum	Weldon (FL)
Ehlers	McCrery	Weldon (PA)
Ehrlich	McDade	Weller
Emerson	McHugh	White
Ensign	McInnis	Whitfield
Everett	McIntosh	Wicker
Ewing	McKeon	Wolf
Fawell	Meyers	Young (AK)
Fields (TX)	Mica	Young (FL)
Flanagan	Miller (FL)	Zeliff
Foley	Minge	Zimmer
Fowler	Montgomery	

NAYS—182

Abercrombie	Borski	Costello
Ackerman	Brown (CA)	Coyne
Andrews	Brown (FL)	Cummings
Baesler	Brown (OH)	Danner
Baldacci	Cardin	DeFazio
Barcia	Chapman	DeLauro
Barrett (WI)	Clayton	Dellums
Becerra	Clyburn	Deutsch
Beilenson	Coleman	Dicks
Bentsen	Collins (IL)	Dingell
Bishop	Collins (MI)	Dixon
Bonior	Conyers	Doggett

Doyle	Kingston	Rahall
Durbin	Kleccka	Rangel
Edwards	Klink	Reed
Engel	LaFalce	Richardson
English	Lantos	Rivers
Eshoo	Levin	Roemer
Evans	Lewis (GA)	Rose
Farr	Lipinski	Roybal-Allard
Fattah	Lofgren	Rush
Fazio	Lowey	Sabo
Fields (LA)	Luther	Sanders
Filner	Maloney	Sawyer
Flake	Manton	Schiff
Foglietta	Markey	Schroeder
Forbes	Mascara	Schumer
Ford	Matsui	Scott
Frank (MA)	McCarthy	Serrano
Frisa	McDermott	Sisisky
Frost	McHale	Skaggs
Furse	McKinney	Skelton
Gejdenson	McNulty	Slaughter
Gephardt	Meehan	Smith (WA)
Gibbons	Meek	Spratt
Gilman	Menendez	Stark
Gonzalez	Metcalfe	Stokes
Gordon	Millender-	Studds
Green (TX)	McDonald	Stupak
Gutierrez	Miller (CA)	Tejeda
Hall (OH)	Mink	Thompson
Hamilton	Moakley	Thornton
Harman	Mollohan	Thurman
Hastings (FL)	Moran	Torres
Hefner	Nadler	Towns
Hilliard	Neal	Trafigant
Hinchey	Oberstar	Velazquez
Holden	Obey	Vento
Hoyer	Olver	Visclosky
Jackson (IL)	Ortiz	Volkmer
Jackson-Lee	Owens	Ward
(TX)	Pallone	Waters
Jacobs	Pastor	Watt (NC)
Jefferson	Payne (NJ)	Waxman
Johnson (SD)	Payne (VA)	Williams
Johnson, E. B.	Pelosi	Wilson
Johnson	Peterson (FL)	Wise
Kanjorski	Peterson (MN)	Woolsey
Kennedy (MA)	Pickett	Wynn
Kennedy (RI)	Pomeroy	Yates
Kennelly	Poshard	
Kildee	Quinn	

NOT VOTING—12

Berman	Clay	Molinari
Bonilla	Goss	Myers
Bryant (TX)	Graham	Rogers
Chenoweth	Kaptur	Torricelli

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

50.17 ORDER OF BUSINESS—
CONSIDERATION OF CONFERENCE
REPORT TO ACCOMPANY S. 641

On motion of Mr. BILIRAKIS, by unanimous consent,

Ordered, That it shall now be in order to consider immediately the conference report to accompany the bill of the Senate (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

50.18 RYAN WHITE CARE
REAUTHORIZATION

Mr. BILIRAKIS, pursuant to the foregoing order, called up the following conference report (Rept. No. 104-545):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 1996".

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) PROGRAM OF GRANTS.—

(1) NUMBER OF CASES.—Section 2601(a) (42 U.S.C. 300ff-11) is amended—

(A) by striking "subject to subsection (b)" and inserting "subject to subsections (b) through (d)"; and

(B) by striking "metropolitan area" and all that follows and inserting the following: "metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.".

(2) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff-11) is amended by adding at the end thereof the following new subsections:

"(c) REQUIREMENTS REGARDING POPULATION.—

"(1) NUMBER OF INDIVIDUALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

"(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

"(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are the boundaries that were in effect for the area for fiscal year 1994.

"(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.".

(3) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff-17(1)) is amended by striking "The term" and all that follows and inserting the following: "The term 'eligible area' means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.".

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff-12(b)) is amended—

(A) in paragraph (1)—
(i) by striking "include" and all that follows through the end thereof, and inserting "reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations."; and

(ii) by adding at the end thereof the following new sentences: "Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard that is in accordance with paragraph (5).";

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

“(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “area;” and inserting “area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant based on the—

“(i) documented needs of the HIV-infected population;

“(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

“(iii) priorities of the HIV-infected communities for whom the services are intended; and

“(iv) availability of other governmental and nongovernmental resources;”;

(ii) by striking “and” at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting “, and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs;”; and

(iv) by adding at the end thereof the following new subparagraphs:

“(D) participate in the development of the Statewide coordinated statement of need initiated by the State public health agency responsible for administering grants under part B; and

“(E) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.”;

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(E) by inserting after paragraph (1), the following new paragraph:

“(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

“(A) health care providers, including federally qualified health centers;

“(B) community-based organizations serving affected populations and AIDS service organizations;

“(C) social service providers;

“(D) mental health and substance abuse providers;

“(E) local public health agencies;

“(F) hospital planning agencies or health care planning agencies;

“(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

“(H) nonelected community leaders;

“(I) State government (including the State Medicaid agency and the agency administering the program under part B);

“(J) grantees under subpart II of part C;

“(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

“(L) grantees under other Federal HIV programs.”; and

(F) by adding at the end thereof the following:

“(5) CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

“(B) REQUIRED AGREEMENTS.—An individual may serve on the planning council

under paragraph (1) only if the individual agrees that if the individual has a financial interest in an entity, if the individual is an employee of a public or private entity, or if the individual is a member of a public or private organization, and such entity or organization is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

“(6) GRIEVANCE PROCEDURES.—A planning council under paragraph (1) shall develop procedures for addressing grievances with respect to funding under this part, including procedures for submitting grievances that cannot be resolved to binding arbitration. Such procedures shall be described in the by-laws of the planning council and be consistent with the requirements of subsection (c).

“(c) GRIEVANCE PROCEDURES.—

“(1) FEDERAL RESPONSIBILITY.—

“(A) MODELS.—The Secretary shall, through a process that includes consultations with grantees under this part and public and private experts in grievance procedures, arbitration, and mediation, develop model grievance procedures that may be implemented by the planning council under subsection (b)(1) and grantees under this part. Such model procedures shall describe the elements that must be addressed in establishing local grievance procedures and provide grantees with flexibility in the design of such local procedures.

“(B) REVIEW.—The Secretary shall review grievance procedures established by the planning council and grantees under this part to determine if such procedures are adequate. In making such a determination, the Secretary shall assess whether such procedures permit legitimate grievances to be filed, evaluated, and resolved at the local level.

“(2) GRANTEES.—To be eligible to receive funds under this part, a grantee shall develop grievance procedures that are determined by the Secretary to be consistent with the model procedures developed under paragraph (1)(A). Such procedures shall include a process for submitting grievances to binding arbitration.”.

(2) DISTRIBUTION OF FUNDS.—Section 2603 (42 U.S.C. 300ff-13) is amended—

(A) in subsection (a)(2), by striking “Not later than—” and all that follows through “the Secretary shall” and inserting the following: “Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall”; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking “and” at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

“(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

“(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need.”; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

“(2) DEFINITION.—

“(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the

Secretary shall consider the ability of the qualified applicant to expend funds efficiently and the impact of relevant factors on the cost and complexity of delivering health care and support services to individuals with HIV disease in the eligible area, including factors such as—

“(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other comorbid factors determined relevant by the Secretary;

“(ii) new or growing subpopulations of individuals with HIV disease; and

“(iii) homelessness.

“(B) PREVALENCE.—In determining the impact of the factors described in subparagraph (A), the Secretary shall, to the extent practicable, use national, quantitative incidence data that are available for each eligible area. Not later than 2 years after the date of enactment of this paragraph, the Secretary shall develop a mechanism to utilize such data. In the absence of such data, the Secretary may consider a detailed description and qualitative analysis of severe need, as determined under subparagraph (A), including any local prevalence data gathered and analyzed by the eligible area.

“(C) PRIORITY.—Subsequent to the development of the quantitative mechanism described in subparagraph (B), the Secretary shall phase in, over a 3-year period beginning in fiscal year 1998, the use of such a mechanism to determine the severe need of an eligible area compared to other eligible areas and to determine, in part, the amount of supplemental funds awarded to the eligible area under this part.”.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff-13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting “, in accordance with paragraph (3)” before the period; and

(ii) by adding at the end thereof the following new sentences: “The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).”.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff-13(a)) is amended by adding at the end thereof the following new paragraph:

“(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

“(A) with respect to fiscal year 1996, 100 percent;

“(B) with respect to fiscal year 1997, 99 percent;

“(C) with respect to fiscal year 1998, 98 percent;

“(D) with respect to fiscal year 1999, 96.5 percent; and

“(E) with respect to fiscal year 2000, 95 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.”.

(C) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff-13) is amended by adding at the end thereof the following subsection:

“(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were estab-

lished, pursuant to section 2602(b)(3)(A), by the planning council serving the area.”.

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff-14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting “, substance abuse treatment and mental health treatment,” after “case management”; and

(ii) by inserting “which shall include treatment education and prophylactic treatment for opportunistic infections,” after “treatment services.”;

(B) in subsection (b)(2)(A)—

(i) by inserting “, or private for-profit entities if such entities are the only available provider of quality HIV care in the area,” after “nonprofit private entities.”; and

(ii) by striking “and homeless health centers” and inserting “homeless health centers, substance abuse treatment programs, and mental health programs”;

(C) by adding at the end of subsection (b), the following new paragraph:

“(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.”; and

(C) in subsection (e)—

(i) in the subsection heading, by striking “AND PLANNING”;

(ii) by striking “The chief” and inserting:

“(1) IN GENERAL.—The chief”;

(iii) by striking “accounting, reporting, and program oversight functions”;

(iv) by adding at the end thereof the following new sentence: “In the case of entities and subcontractors to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).”; and

(v) by adding at the end thereof the following new paragraphs:

“(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

“(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursement of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

“(B) all activities associated with the grantee’s contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

“(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

“(A) usual and recognized overhead, including established indirect rates for agencies;

“(B) management oversight of specific programs funded under this title; and

“(C) other types of program support such as quality assurance, quality control, and related activities.”.

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff-15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “, in accordance with subsection (c) regarding a single application and grant award,” after “application”;

(ii) in paragraph (1)(B), by striking “1-year period” and all that follows through “eligible area” and inserting “preceding fiscal year”;

(iii) in paragraph (4), by striking “and” at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting “; and”; and

(v) by adding at the end thereof the following new paragraph:

“(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State public health agency responsible for administering grants under part B, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.”;

(B) in subsection (b)—

(i) in the subsection heading, by striking “ADDITIONAL”; and

(ii) in the matter preceding paragraph (1), by striking “additional application” and inserting “application, in accordance with subsection (c) regarding a single application and grant award,”; and

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

“(c) SINGLE APPLICATION AND GRANT AWARD.—

“(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

“(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.”.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff-16) is amended—

(A) by striking “may” and inserting “shall”;

(B) by inserting after “technical assistance” the following: “, including assistance from other grantees, contractors or subcontractors under this title to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and.”; and

(C) by adding at the end thereof the following new sentences: “The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed \$75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.”.

(c) CARE GRANT PROGRAM.—

(1) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—Section 2611 (42 U.S.C. 300ff-21) is amended—

(A) by striking “The” and inserting “(a) IN GENERAL.—The”; and

(B) by adding at the end thereof the following new subsection:

“(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing

health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.”.

(2) USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff-22) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading;

(ii) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(iii) by inserting the following new paragraph:

“(1) to provide the services described in section 2604(b)(1) for individuals with HIV disease;”; and

(iv) in paragraph (5) (as so redesignated), by striking “treatments” and all that follows through “health,” and inserting “therapeutics to treat HIV disease”; and

(v) by adding at the end thereof the following flush sentences:

“Services described in paragraph (1) shall be delivered through consortia designed as described in paragraph (2), where such consortia exist, unless the State demonstrates to the Secretary that delivery of such services would be more effective when other delivery mechanisms are used. In making a determination regarding the delivery of services, the State shall consult with appropriate representatives of service providers and recipients of services who would be affected by such determination, and shall include in its demonstration to the Secretary the findings of the State regarding such consultation.”; and

(B) by striking subsection (b).

(2) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff-23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)” after “nonprofit private.”; and

(ii) in paragraph (2)(A)—

(I) by inserting “substance abuse treatment, mental health treatment,” after “nursing.”; and

(II) by inserting “prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,” after “monitoring.”; and

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before “care” “and youth centered”; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking “served; and” and inserting “served.”;

(II) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(III) by adding after subparagraph (B), the following new subparagraph:

“(C) grantees under section 2671, or, if none are operating in the area, representatives in the area of organizations with a history of serving children, youth, women, and families living with HIV.”.

(3) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff-26) is amended—

(A) in subsection (a)—

(i) by striking “may use amounts” and inserting “shall use a portion of the amounts”; and

(ii) by striking “section 2612(a)(4)” and all that follows through “prolong life” and inserting “section 2612(a)(5) to provide therapeutics to treat HIV disease”; and

(iii) by inserting before the period the following: “, including measures for the prevention and treatment of opportunistic infections”;

(B) in subsection (c)—

(i) in paragraph (3), by striking “and” at the end thereof;

(ii) in paragraph (4), by striking the period and inserting “; and”;

(iii) by adding at the end thereof the following new paragraph:

“(5) document the progress made in making therapeutics described in subsection (a) available to individuals eligible for assistance under this section.”;

(C) by adding at the end thereof the following new subsection:

“(d) DUTIES OF THE SECRETARY.—In carrying out this section, the Secretary shall review the current status of State drug reimbursement programs established under section 2612(2) and assess barriers to the expanded availability of the treatments described in subsection (a). The Secretary shall also examine the extent to which States coordinate with other grantees under this title to reduce barriers to the expanded availability of the treatments described in subsection (a).”.

(4) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff-27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

“(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title; and”;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

“(3) an assurance that the public health agency administering the grant for the State will periodically convene a meeting of individuals with HIV, representatives of grantees under each part under this title, providers, and public agency representatives for the purpose of developing a Statewide coordinated statement of need; and”.

(5) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—

(A) by striking paragraph (1);

(B) in paragraphs (3) and (4), to read as follows:

“(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

“(4) ADMINISTRATION.—

“(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. In the case of entities and subcontractors to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

“(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

“(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

“(i) usual and recognized overhead, including established indirect rates for agencies;

“(ii) management oversight of specific programs funded under this title; and

“(iii) other types of program support such as quality assurance, quality control, and related activities.”;

(C) by redesignating paragraph (5) as paragraph (7); and

(D) by inserting after paragraph (4), the following new paragraphs:

“(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

“(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.”.

(6) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff-29) is amended—

(A) by striking “may” and inserting “shall”; and

(B) by inserting before the period the following: “, including technical assistance for the development and implementation of Statewide coordinated statements of need”.

(7) COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff-21 et seq.) is amended by adding at the end thereof the following new section:

“SEC. 2621. COORDINATION.

“The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. Not later than October 1, 1996, and biennially thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.”.

(d) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(A) in paragraph (1), by inserting before the period the following: “, and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph for individuals with HIV disease”;

(B) in paragraph (4)—

(i) by striking “The Secretary” and inserting “(A) IN GENERAL.—The Secretary”;

(ii) by inserting “, or private for-profit entities if such entities are the only available provider of quality HIV care in the area,” after “nonprofit private entities”;

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

“(B) OTHER REQUIREMENTS.—Grantees described in—

“(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent

of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

“(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.”.

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting “, or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,” after “nonprofit private entity”.

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following new subsection:

“(C) PLANNING AND DEVELOPMENT GRANTS.—

“(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed \$50,000 for each such grant, to public and nonprofit private entities for the purpose of enabling such entities to provide HIV early intervention services.

“(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

“(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide primary care services in rural or underserved communities.

“(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.”.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking “\$75,000,000” and all that follows through the end of the section, and inserting “such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.”.

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff-64(g)) is amended—

(A) in paragraph (2), by striking “and” at the end thereof;

(B) in paragraph (3)—

(i) by striking “5 percent” and inserting “7.5 percent including planning and evaluation”;

(ii) by striking the period and inserting “; and”;

(C) by adding at the end thereof the following new paragraph:

“(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.”.

(e) DEMONSTRATION GRANTS FOR RESEARCH AND SERVICES FOR PEDIATRIC PATIENTS.—Section 2671 (42 U.S.C. 300f-71) is amended to read as follows:

“SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the following purposes:

“(1) Providing through such entities, in accordance with this section, opportunities for

women, infants, children, and youth to be voluntary participants in research of potential clinical benefit to individuals with HIV disease.

"(2) In the case of women, infants, children, and youth with HIV disease, and the families of such individuals, providing to such individuals—

"(A) health care on an outpatient basis; and

"(B) additional services in accordance with subsection (d).

"(b) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—

"(1) IN GENERAL.—With respect to the projects of research with which an applicant under subsection (a) is concerned, the Secretary may make a grant under such subsection to the applicant only if the following conditions are met:

"(A) The applicant agrees to make reasonable efforts—

"(i) to identify which of the patients of the applicant are women, infants, children, and youth who would be appropriate participants in the projects;

"(ii) to carry out clause (i) through the use of criteria provided for such purpose by the entities that will be conducting the projects of research; and

"(iii) to offer women, infants, children, and youth the opportunity to participate in the projects (as appropriate), including the provision of services under subsection (d)(3).

"(B) The applicant agrees that, in the case of the research-related functions to be carried out by the applicant pursuant to subsection (a)(1), the applicant will comply with accepted standards that are applicable to such functions (including accepted standards regarding informed consent and other protections for human subjects).

"(C) For the first and second fiscal years for which grants under subsection (a) are to be made to the applicant, the applicant agrees that, not later than the end of the second fiscal year of receiving such a grant, a significant number of women, infants, children, and youth who are patients of the applicant will be participating in the projects of research.

"(D) Except as provided in paragraph (3) (and paragraph (4), as applicable), for the third and subsequent fiscal years for which such grants are to be made to the applicant, the Secretary has determined that a significant number of such individuals are participating in the projects.

"(2) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

"(3) SIGNIFICANT PARTICIPATION; CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (1)(D), the Secretary shall take into account circumstances in which a grantee under subsection (a) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.

"(4) SIGNIFICANT PARTICIPATION; TEMPORARY WAIVER FOR ORIGINAL GRANTEEES.—

"(A) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under such subsection for fiscal year 1995, the Secretary may, subject to subparagraph (B), provide to the applicant a waiver of the requirement of paragraph (1)(D) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

"(B) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under subparagraph (A) on or after October 1, 1998. Any such waiver provided

prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

"(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—

"(1) IN GENERAL.—With respect to eligibility for a grant under subsection (a):

"(A) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research, except for such research-related functions as are appropriate for providing opportunities under subsection (a)(1) (including the functions specified in subsection (b)(1)).

"(B) The grant may be made only if the Secretary makes the following determinations:

"(i) The applicant or other entity (as the case may be under subparagraph (A)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

"(ii) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention or treatment of HIV disease in women, infants, children, or youth, subject to paragraph (2).

"(2) LIST OF RESEARCH PROTOCOLS.—

"(A) IN GENERAL.—From among the research protocols described in paragraph (1)(B)(ii), the Secretary shall establish a list of research protocols that are appropriate for purposes of subsection (a)(1). Such list shall be established only after consultation with public and private entities that conduct such research, and with providers of services under subsection (a) and recipients of such services.

"(B) DISCRETION OF SECRETARY.—The Secretary may authorize the use, for purposes of subsection (a)(1), of a research protocol that is not included on the list under subparagraph (A). The Secretary may waive the requirement specified in paragraph (1)(B)(ii) in such circumstances as the Secretary determines to be appropriate.

"(d) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

"(1) The applicant will provide for the case management of the patient involved and the family of the patient.

"(2) The applicant will provide for the patient and the family of the patient—

"(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

"(B) referrals for other social and support services, as appropriate.

"(3) The applicant will provide the patient and the family of the patient with such transportation, child care, and other incidental services as may be necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection.

"(e) COORDINATION WITH OTHER ENTITIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

"(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

"(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for ad-

ministering grants under part B) and in revisions of such statement.

"(f) APPLICATION.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(g) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under subsection (a), shall require that the projects, as appropriate, enter into arrangements for purposes of such subsection, and shall require that each project entering into such an arrangement inform the applicant or grantee under such subsection of the needs of the project for the participation of women, infants, children, and youth.

"(h) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

"(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

"(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

"(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

"(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

"(i) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (j) for a fiscal year, the Secretary may use not more than five percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000."

(f) EVALUATIONS AND REPORTS.—Section 2674 (42 U.S.C. 300ff-74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "not later than 1 year" and all that follows through "title," and inserting the following: "not later than October 1, 1996,";

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

"(1) evaluating the programs carried out under this title; and"; and

(C) by redesignating paragraph (4) as paragraph (2); and

(2) by adding at the end the following subsection:

"(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that

are available to the Secretary for such purpose.”.

(g) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

“PART F—DEMONSTRATION AND TRAINING

“Subpart I—Special Projects of National Significance

“SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

“(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of \$20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed \$25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

“(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

“(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

“(2) the innovative nature of the proposed activity; and

“(3) the potential replicability of the proposed activity in other similar localities or nationally.

“(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

“(1) address the needs of special populations;

“(2) assist in the development of essential community-based service delivery infrastructure; and

“(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

“(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

“(1) individuals and families with HIV disease living in rural communities;

“(2) adolescents with HIV disease;

“(3) Indian individuals and families with HIV disease;

“(4) homeless individuals and families with HIV disease;

“(5) hemophiliacs with HIV disease; and

“(6) incarcerated individuals with HIV disease.

“(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

“(1) programs that support family-based care networks and programs that build organizational capacity critical to the delivery of care in minority communities;

“(2) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

“(3) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

“(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the State-wide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

“(g) REPLICATION.—The Secretary shall make information concerning successful

models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.”.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff-28(a)) is repealed.

(h) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

“Subpart II—AIDS Education and Training Centers

“SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.”.

(2) AMENDMENTS.—Section 776 (42 U.S.C. 294n) is amended—

(A) by striking the section heading; and

(B) in subsection (a)(1)—

(i) by striking subparagraphs (B) and (C);

(ii) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease, including the prevention of the perinatal transmission of the disease and including measures for the prevention and treatment of opportunistic infections;”; and

(iv) in subparagraph (B) (as so redesignated) by adding “and” after the semicolon.

(3) TRANSFER.—Section 776 (42 U.S.C. 294n) (as amended by paragraph (2)) is amended by transferring such section to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.”.

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

“(3) AMOUNT OF GRANT.—

“(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

“(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

“(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

“(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term ‘distribution factor’ means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

“(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

“(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

“(ii) with respect to—

“(I) the first year during such period, .06;

“(II) the second year during such period, .06;

“(III) the third year during such period, .08;

“(IV) the fourth year during such period, .10;

“(V) the fifth year during such period, .16;

“(VI) the sixth year during such period, .16;

“(VII) the seventh year during such period, .24;

“(VIII) the eighth year during such period, .40;

“(IX) the ninth year during such period, .57; and

“(X) the tenth year during such period, .88.

The yearly percentage described in subparagraph (ii) shall be updated biennially by the Secretary, after consultation with the Centers for Disease Control and Prevention. The first such update shall occur prior to the termination of grant awards under this part for fiscal year 1998.

“(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.”.

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff-28(b)(1) and (2)) are amended to read as follows:

“(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

“(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

“(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), \$100,000; or

“(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), \$250,000;

“(ii) an amount determined under paragraph (2); and

“(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

“(2) DETERMINATION.—

“(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

“(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B, subject to subparagraph (H); and

“(ii) the percentage constituted by the sum of—

“(I) the product of .80 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

“(II) the product of .20 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

“(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term ‘State distribution factor’ means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

“(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term ‘non-ema distribution factor’ means an amount equal to the sum of—

“(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

“(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

“(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

“(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

“(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

“(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.”

“(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

“(G) LIMITATION.—

“(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

“(I) with respect to fiscal year 1996, 100 percent;

“(II) with respect to fiscal year 1997, 99 percent;

“(III) with respect to fiscal year 1998, 98 percent;

“(IV) with respect to fiscal year 1999, 96.5 percent; and

“(V) with respect to fiscal year 2000, 95 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

“(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.

“(H) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, the portion of such amount allocated to a State shall be the product of—

“(i) 100 percent of such amount; and

“(ii) the percentage constituted by the ratio of the State distribution factor for the State (as determined under subparagraph (B)) to the sum of the State distribution factors for all States.”

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71) is amended by adding at the end thereof the following new section:

“SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000.

“(b) DEVELOPMENT OF METHODOLOGY.—

“(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages allocated to part A and part B to account for grants to new eligible areas under part A and other relevant factors. Not later than July 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

“(2) FAILURE TO IMPLEMENT.—If the Secretary determines that such a methodology under paragraph (1) cannot be developed, there are authorized to be appropriated—

“(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

“(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.”

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff-18 and 300ff-30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff-13)—

(A) in subsection (a)(2), by striking “2608” and inserting “2677”; and

(B) in subsection (b)(1), by striking “2608” and inserting “2677”;

(2) in section 2605(c)(1) (42 U.S.C. 300ff-15(c)(1)) is amended by striking “2608” and inserting “2677”; and

(3) in section 2618 (42 U.S.C. 300ff-28)—

(A) in subsection (a)(1), is amended by striking “2620” and inserting “2677”; and

(B) in subsection (b)(1), is amended by striking “2620” and inserting “2677”.

SEC. 7. PERINATAL TRANSMISSION OF HIV DISEASE.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies and Statewide clinical experiences have demonstrated that administration of anti-retroviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including anti-retroviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults, and from mother to child.

(5) The provision of such counseling, testing, treatment, and services can reduce the

overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) routine HIV counseling and voluntary testing of pregnant women should become the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B of title XXVI (42 U.S.C. 300ff-21 et seq.) is amended—

(1) by inserting after the part heading the following:

“Subpart I—General Grant Provisions”;

(2) in section 2611(a), by adding at the end the following sentence: “The authority of the Secretary to provide grants under part B is subject to section 2626(e)(2) (relating to the decrease in perinatal transmission of HIV disease).”; and

(3) by adding at the end thereof the following new subpart:

“Subpart II—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

“SEC. 2625. CDC GUIDELINES FOR PREGNANT WOMEN.

“(a) REQUIREMENT.—Notwithstanding any other provision of law, a State shall, not later than 120 days after the date of enactment of this subpart, certify to the Secretary that such State has in effect regulations or measures to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for human immunodeficiency virus counseling and voluntary testing for pregnant women.

“(b) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 120-day period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under this section until such certification is provided.

“(c) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

“(1) IN GENERAL.—If a State provides the certification required in subsection (a) and is receiving funds under part B for a fiscal year, the Secretary may (from the amounts available pursuant to paragraph (2)) make a grant to the State for the fiscal year for the following purposes:

“(A) Making available to pregnant women appropriate counseling on HIV disease.

“(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

“(C) Making available to such women voluntary HIV testing for such disease.

“(D) Offsetting other State costs associated with the implementation of this section and subsections (a) and (b) of section 2626.

“(E) Offsetting State costs associated with the implementation of mandatory newborn testing in accordance with this title or at an earlier date than is required by this title.

“(2) FUNDING.—For purposes of carrying out this subsection, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

“(3) PRIORITY.—In awarding grants under this subsection the Secretary shall give priority to States that have the greatest proportion of HIV seroprevalence among child bearing women using the most recent data

available as determined by the Centers for Disease Control and Prevention.

“SEC. 2626. PERINATAL TRANSMISSION OF HIV DISEASE; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER THIS PART.

“(a) ANNUAL DETERMINATION OF REPORTED CASES.—A State shall annually determine the rate of reported cases of AIDS as a result of perinatal transmission among residents of the State.

“(b) CAUSES OF PERINATAL TRANSMISSION.—In determining the rate under subsection (a), a State shall also determine the possible causes of perinatal transmission. Such causes may include—

“(1) the inadequate provision within the State of prenatal counseling and testing in accordance with the guidelines issued by the Centers for Disease Control and Prevention;

“(2) the inadequate provision or utilization within the State of appropriate therapy or failure of such therapy to reduce perinatal transmission of HIV, including—

“(A) that therapy is not available, accessible or offered to mothers; or

“(B) that available therapy is offered but not accepted by mothers; or

“(3) other factors (which may include the lack of prenatal care) determined relevant by the State.

“(c) CDC REPORTING SYSTEM.—Not later than 4 months after the date of enactment of this subpart, the Director of the Centers for Disease Control and Prevention shall develop and implement a system to be used by States to comply with the requirements of subsections (a) and (b). The Director shall issue guidelines to ensure that the data collected is statistically valid.

“(d) DETERMINATION BY SECRETARY.—Not later than 180 days after the expiration of the 18-month period beginning on the date on which the system is implemented under subsection (c), the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (5) of section 2627. In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

“(e) CONTINGENT APPLICABILITY.—

“(1) IN GENERAL.—If the determination published in the Federal Register under subsection (d) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) shall apply on and after the expiration of the 18-month period beginning on the date on which the determination is so published.

“(2) REQUIREMENT.—Subject to subsection (f), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

“(A) A 50 percent reduction (or a comparable measure for States with less than 10 cases) in the rate of new cases of AIDS (recognizing that AIDS is a suboptimal proxy for tracking HIV in infants and was selected because such data is universally available) as a result of perinatal transmission as compared to the rate of such cases reported in 1993 (a State may use HIV data if such data is available).

“(B) At least 95 percent of women in the State who have received at least two prenatal visits (consultations) prior to 34 weeks gestation with a health care provider or provider group have been tested for the human immunodeficiency virus.

“(C) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (5) of section 2627.

“(f) LIMITATION REGARDING AVAILABILITY OF FUNDS.—With respect to an activity described in any of paragraphs (1) through (5) of section 2627, the requirements established by a State under this section apply for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

“(1) Federal funds provided to the State in grants under part B or under section 2625, or through other Federal sources under which payments for routine HIV testing, counseling or treatment are an eligible use.

“(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

“SEC. 2627. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS.

“An activity or requirement described in this section is any of the following:

“(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

“(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

“(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

“(B) If the State is the legal guardian of the infant:

“(i) To the appropriate official of the State agency with responsibility for the care of the infant.

“(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

“(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

“(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

“(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

“(D) To the child’s health care provider.

“(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

“(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

“(5) With respect to State insurance laws, that such laws require—

“(A) that, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in subparagraph (C)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease or its manifestation;

“(B) that subparagraph (A) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented the HIV status of the individual; and

“(C) that subparagraph (A) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

For purposes of this subparagraph, a statute or regulation shall be deemed to regulate insurance for purposes of this paragraph only to the extent that such statute or regulation is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

“SEC. 2628. REPORT BY THE INSTITUTE OF MEDICINE.

“(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences conduct an evaluation of the extent to which State efforts have been effective in reducing the perinatal transmission of the human immunodeficiency virus, and an analysis of the existing barriers to the further reduction in such transmission.

“(b) REPORT TO CONGRESS.—The Secretary shall ensure that, not later than 2 years after the date of enactment of this section, the evaluation and analysis described in subsection (a) is completed and a report summarizing the results of such evaluation and analysis is prepared by the Institute of Medicine and submitted to the appropriate committees of Congress together with the recommendations of the Institute.

“SEC. 2629. STATE HIV TESTING PROGRAMS ESTABLISHED PRIOR TO OR AFTER ENACTMENT.

“Nothing in this subpart shall be construed to disqualify a State from receiving grants under this title if such State has established at any time prior to or after the date of enactment of this subpart a program of mandatory HIV testing.”

SEC. 8. SPOUSAL NOTIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall not make a grant under part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) to any State unless such State takes administrative or legislative action to require that a good faith effort be made to notify a spouse of a known HIV-infected patient that such spouse may have been exposed to the human immunodeficiency virus and should seek testing.

(b) DEFINITIONS.—For purposes of this section:

(1) SPOUSE.—The term “spouse” means any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection.

(2) HIV-INFECTED PATIENT.—The term “HIV-infected patient” means any individual who has been diagnosed to be infected with the human immunodeficiency virus.

(3) STATE.—The term “State” means any of the 50 States, the District of Columbia, or any territory of the United States.

SEC. 9. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term “Federal employee” has the same meaning given the term “employee” in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 10. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

“SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

“None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.”.

SEC. 11. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 12. ADDITIONAL PROVISIONS.

(a) **DEFINITIONS.**—Section 2676(4) (42 U.S.C. 300ff-76(4)) is amended by inserting “funeral-service practitioners,” after “emergency medical technicians.”.

(b) **MISCELLANEOUS AMENDMENT.**—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking “The Secretary,” and all that follows through “shall,” and inserting “The Secretary shall.”.

(c) **TECHNICAL CORRECTIONS.**—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2601(a), by inserting “section” before “2604”;

(2) in section 2603(b)(4)(B), by striking “an expedited grants” and inserting “an expedited grant”;

(3) in section 2617(b)(3)(B)(iv), by inserting “section” before “2615”;

(4) in section 2647—
(A) in subsection (a)(1), by inserting “to” before “HIV”;

(B) in subsection (c), by striking “section 2601” and inserting “section 2641”; and

(C) in subsection (d)—
(i) in the matter preceding paragraph (1), by striking “section 2601” and inserting “section 2641”; and

(ii) in paragraph (1), by striking “has in place” and inserting “will have in place”;

(5) in section 2648—
(A) by converting the heading for the section to boldface type; and

(B) by redesignating the second subsection (g) as subsection (h);

(6) in section 2649—
(A) in subsection (b)(1), by striking “subsection (a) of”; and

(B) in subsection (c)(1), by striking “this subsection” and inserting “subsection”;

(7) in section 2651—
(A) in subsection (b)(3)(B), by striking “facility” and inserting “facilities”; and

(B) in subsection (c), by striking “exist” and inserting “exists”;

(8) in section 2676—
(A) in paragraph (2), by striking “section” and all that follows through “by the” and inserting “section 2686 by the”; and

(B) in paragraph (10), by striking “673(a)” and inserting “673(2)”;

(9) in part E, by converting the headings for subparts I and II to Roman typeface; and

(10) in section 2684(b), in the matter preceding paragraph (1), by striking “section 2682(d)(2)” and inserting “section 2683(d)(2)”.

SEC. 13. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1996.

(b) **EXCEPTION.**—The amendments made by sections 3(a), 5, 6, and 7 of this Act to sec-

tions 2601(c), 2601(d), 2603(a), 2618(b), 2626, 2677, and 2691 of the Public Health Service Act, shall become effective on the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

TOM BLILEY,
MICHAEL BILIRAKIS,
TOM COBURN,
HENRY A. WAXMAN,
GERRY STUDDS,

Managers on the Part of the House.

NANCY LANDON
KASSEBAUM,
JIM JEFFORDS,
BILL FRIST,
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. BILIRAKIS, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. EWING, announced that the yeas had it.

Mr. GUNDERSON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 402
Nays 4

¶50.19

[Roll No. 145]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehler
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan

Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Creameans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch

Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse

Galleghy
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Dreier
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo

Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalfe
Meyers
Mica
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher

Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
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
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Scarborough
Stump

NOT VOTING—27

Ballerger
Barton
Beilenson
Berman
Bliley
Bonilla
Boucher
Bryant (TX)
Clay

de la Garza	Hayes	Miller (FL)
Dicks	Hobson	Molinari
Dingell	Houghton	Shaw
Engel	Kaptur	Torricelli
Gibbons	Livingston	Weldon (FL)
Goss	McDade	Wilson

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶50.20 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns on Thursday, May 2, 1996, it adjourn to meet on Monday, May 6, 1996, at 2:00 o'clock p.m.

¶50.21 HOUR OF MEETING

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns on Monday, May 6, 1996, it adjourn to meet on Tuesday, May 7, 1996, at 12:30 p.m. for "morning hour" debates.

¶50.22 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 8, 1996, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶50.23 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

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

DEAR MR. SPEAKER: I hereby resign from the Committee on the Budget.
Sincerely,

HARRY JOHNSTON.

By unanimous consent, the resignation was accepted.

¶50.24 ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2024. An Act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

¶50.25 SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. 53. A joint resolution making corrections to Public Law 104-134.

¶50.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. KAPTUR, for April 30 and balance of the week;

To Mr. MYERS, for today after 12:30 p.m.; and

To Mr. GOSS, for today after 1:00 p.m.

And then,

¶50.27 ADJOURNMENT

On motion of Mr. RADANOVICH, at 11 o'clock and 16 minutes p.m., the House adjourned.

¶50.28 OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 104th Congress, pursuant to the provisions of 2 U.S.C. 2b:

JUANITA MILLENDER-MCDONALD, 37th District, California.

ELIJAH E. CUMMINGS, Seventh District, Maryland.

¶50.29 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. HYDE: Committee on the Judiciary. H.R. 2974. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims; with an amendment (Rept. No. 104-548). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3120. A bill to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering; with an amendment (Rept. No. 104-549). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3322. A bill to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. No. 104-550 Pt. 1). Ordered to be printed.

¶50.30 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 follow:

By Mr. RAHALL (for himself, Mr. OBERSTAR, and Mr. GIBBONS):

H.R. 3372. A bill to provide for the recoupment to the highway trust fund of that portion of Federal motor fuel taxes being deposited into the general fund; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. EVANS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3373. A bill to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

H.R. 3374. A bill to amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a Medicare-select policy to change to a medigap policy without prejudice; to the Committee on Commerce.

By Mr. ROYCE:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in motor fuels tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, Government Reform and Oversight, Rules, and Science, 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.

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. HUTCHINSON, and Mr. EDWARDS):

H.R. 3376. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COOLEY (for himself and Mr. DEFazio):

H.R. 3377. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for determining tort liability of holders of rights-of-way over Federal lands under the ordinary rules of negligence and to clarify the exemption from right-of-way rental fees for certain rural electric and telephone facilities; to the Committee on Resources.

By Mr. YOUNG of Alaska:

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; to the Committee on Resources, and in addition to the Committee on Commerce, 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.

By Mr. CONDIT:

H.R. 3379. A bill to amend chapter 11 of title 31, United States Code, to require that each President's budget submission to Congress include a detailed plan to achieve a balanced Federal budget, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, 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.

By Mr. DEAL of Georgia:

H.R. 3380. A bill to authorize substitution for drawback purposes of certain types of fibers and yarns for use in the manufacture of carpets and rugs; to the Committee on Ways and Means.

By Mr. DURBIN:

H.R. 3381. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide tax incentives for the purchase of long-term care insurance and to establish consumer protection standards for such insurance; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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.

By Mr. FRISA:

H.R. 3382. A bill to promote safe streets by preventing the further sale of illegal assault weapons and large capacity ammunition feeding devices, and to provide for mandatory prison terms for possessing, brandishing, or discharging a firearm during the commission of a Federal crime; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself and Mr. ROBERTS):

H.R. 3383. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act and to implement a new work opportunity tax credit, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, 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.

By Mr. LATOURETTE:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of the motor fuel excise taxes into the highway trust fund and airport and airway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LAZIO of New York, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. BENTSEN, Mr. HAYWORTH, Mr. STOCKMAN, Mr. BLILEY, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. GREEN of Texas, Mr. LIVINGSTON, Mr. MORAN, Mrs. MYRICK, Mr. PICKETT, Ms. PRYCE, and Mr. SHADEGG):

H.R. 3385. A bill to affirm the role of the States in setting reasonable occupancy standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCDADE:

H.R. 3386. A bill to amend title 28, United States Code, to require prosecutors in the Department of Justice to be ethical; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. LINDER):

H.R. 3387. A bill to designate the Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, GA, as the "J. Phil Campbell, Senior Natural Resource Conservation Center"; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.J. Res. 178. Joint resolution disapproving Orders Nos. 888 and 889 of the Federal Energy Regulatory Commission; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. MCCRERY, Mr. HAYES, Mr. UPTON, Mr. HERGER, Mr. DOOLITTLE, Mr. GUTKNECHT, Mr. NEUMANN, Mr. SMITH of Michigan, Mr. BLUTE, Mrs. MYRICK, Mr. HOKE, Mr. BACHUS, Mr. STOCKMAN, Mr. MICA, Mr. MCINTOSH, Mr. THORNBERRY, Mr. HOUGHTON, Mrs. KELLY, Ms. DUNN of Washington, Mr. CANADY, Mr. SAM JOHNSON, Mr. PARKER, Mr. KOLBE, Mr. RIGGS, Mr. WOLF, Mr. HOBSON, Mr. FOX, Mr. LAZIO of New York, Mr. KLUG, Mr. WALKER, Mr. DICKEY, Mr. SOUDER,

Mr. TATE, Mr. DAVIS, Mr. NUSSLE, Mrs. MORELLA, Mr. FORBES, Mr. FRISA, Mr. BROWNBACK, Mr. TAYLOR of North Carolina, Mr. LINDER, Mrs. CUBIN, Mr. COBLE, Mr. STEARNS, Mrs. ROUKEMA, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. FLANAGAN, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mr. HORN, Mr. MARTINI, Mr. QUINN, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. GOODLING, Mr. PORTER, Mr. GRAHAM, Mr. GILCHREST, Mr. CAMP, Mr. CUNNINGHAM, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. GANSKE, Mr. GOODLATTE, Mr. DIAZ-BALART, Ms. GREENE of Utah, Mr. LUCAS, Mr. SHADEGG, Mr. LONGLEY, Mr. BARTLETT of Maryland, Mr. ZELIFF, Mr. GILMAN, and Mr. NEY):—

H. Con. Res. 169. Concurrent resolution expressing the sense of the Congress that the 1996 annual report of the Board of Trustees of the Federal hospital insurance trust fund be submitted without further delay; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. CONYERS):—

H. Res. 420. Resolution recognizing and commending Viola Liuzzo for her extraordinary courage and for her contribution to the Nation; to the Committee on the Judiciary.

¶50.31 MEMORIALS

Under clause 4 of rule XXII, 218. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to the transfer of certain portions of the lands of the Kisatchie National Forest to the Fort Polk military base; jointly, to the Committees on Agriculture and National Security.

¶50.32 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEJDENSON introduced a bill (H.R. 3388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Hoptoad*; which was referred to the Committee on Transportation and Infrastructure.

¶50.33 REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. H.R. 1009. A bill for the relief of Lloyd B. Gamble (Rept. No. 104-546). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2765. A bill for the relief of Rocco A. Trecoستا (Rept. No. 104-547). Referred to the Committee of the Whole House.

¶50.34 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. FIELDS of Louisiana, Mr. JACKSON, and Miss COLLINS of Michigan.

H.R. 1325: Mr. PAYNE of Virginia and Mr. FRAZER.

H.R. 1462: Mr. MASCARA, Mrs. KELLY, Mr. CONDIT, Mr. CHAPMAN, and Ms. RIVERS.

H.R. 1483: Mr. MONTGOMERY.

H.R. 1540: Mr. SOUDER.

H.R. 1541: Mr. FRISA.

H.R. 1708: Mr. MANZULLO, Mr. FRANKS of Connecticut, Mr. COOLEY, Mr. STEARNS, and Mr. LAHOOD.

H.R. 1713: Mr. GREEN of Texas.

H.R. 1889: Mr. LINDER.

H.R. 1892: Mr. CALVERT and Mr. ROHR-ABACHER.

H.R. 2200: Mr. ALLARD and Mr. CLEMENT.

H.R. 2244: Mrs. VUCANOVICH.

H.R. 2338: Mr. FRAZER.

H.R. 2400: Mr. GILMAN, Mr. TRAFICANT, and Mr. KENNEDY of Rhode Island.

H.R. 2508: Mr. BACHUS and Ms. DUNN of Washington.

H.R. 2579: Mr. SCHAEFER and Mr. BLUTE.

H.R. 2748: Mr. NADLER.

H.R. 2807: Mr. McNULTY, Mrs. MYRICK, Mr. CLEMENT, Mrs. LOWEY, and Mr. MANZULLO.

H.R. 2891: Mr. OBERSTAR and Mr. SABO.

H.R. 2925: Mr. HOLDEN, Mr. TATE, Mr. BALDACCIO, Mrs. KELLY, and Mr. HAYWORTH.

H.R. 2974: Mr. HASTERT and Mr. SOLOMON.

H.R. 3059: Mr. POSHARD, Mr. TORRES, Mrs. LOWEY, Mr. BALDACCIO, and Mr. SANDERS.

H.R. 3067: Ms. WOOLSEY, Mr. MATSUI, Mr. FILNER, and Mr. CUNNINGHAM.

H.R. 3077: Mr. FROST, Mr. HAMILTON, Mrs. KELLY, Mr. HASTINGS of Florida, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. PETRI, and Ms. LOFGREN.

H.R. 3083: Mr. EHLERS.

H.R. 3107: Mr. LANTOS, Mr. TORRICELLI, Mr. ROYCE, Mr. ENGLISH of Pennsylvania, Mr. ZIMMER, Mr. FILNER, Mr. FOX, Mr. BUNN of Oregon, Mr. BARCIA of Michigan, Mr. DIAZ-BALART, Mr. MEEHAN, Mr. EHRlich, Mr. CUNNINGHAM, Miss COLLINS of Michigan, Mr. LIPINSKI, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. SANFORD, Mr. FUNDERBURK, Ms. PRYCE, Mr. KASICH, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. KNOLLENBERG, Mr. STARK, Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. SMITH of New Jersey, Mr. FRAZER, Mr. METCALF, Mr. EVANS, Mr. BRYANT of Texas, Mr. SAXTON, Mr. HOUGHTON, Mr. DURBIN, Ms. KAPTUR, Mr. SOUDER, Mr. MCHUGH, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. OBERSTAR, Mrs. THURMAN, Mr. SISISKY, Ms. LOFGREN, Mr. LOBIONDO, Mrs. LOWEY, Mr. SHAYS, Mr. LATOURETTE, Mr. CARDIN, Mr. KLECZKA, Mr. FOLEY, Mr. YATES, Mr. ACKERMAN, Mr. TORRES, Mr. COYNE, Mr. TOWNS, Mr. COOLEY, Ms. PELOSI, Mr. DEFAZIO, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. KLUG, Mr. CALVERT, Mr. BLUTE, Mr. RADANOVICH, Mr. ENSIGN, Mr. HORN, Mr. ROEMER, Mr. HALL of Ohio, Mrs. CUBIN, Ms. ROS-LEHTINEN, and Mr. WHITE.

H.R. 3149: Mr. NEAL of Massachusetts.

H.R. 3161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3167: Mr. KLINK.

H.R. 3170: Mr. SAXTON and Mr. FLAKE.

H.R. 3173: Mr. HYDE and Mr. BORSKI.

H.R. 3178: Mr. SANDERS, Mr. SERRANO, Mr. DELLUMS, Mr. FOX, Mr. DEFAZIO and Mr. HASTINGS of Florida.

H.R. 3180: Mr. BRYANT of Texas, Mr. MONTGOMERY, and Mr. PETE GEREN of Texas.

H.R. 3200: Mr. PETE GEREN of Texas, Mr. THORNTON, Mr. PETERSON of Minnesota, Mrs. KELLY, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. ROHRBACHER, Mr. LARGENT, Mr. COBLE, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mr. FRANKS of Connecticut, Mr. WHITE, Mr. WATTS of Oklahoma, Mr. GILLMOR, Mr. TORKILDSEN, Mr. ZIMMER, Mr. ROSE, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. COMBEST, Mr. KINGSTON, Mr. GUTKNECHT, Mr. WICKER, Mr. INGLIS of South Carolina, Mr. HOSTETTLER, Mr. CHAMBLISS, Mr. STENHOLM, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. CHRYSLER, Mr. MILLER of Florida, Mr. STUMP, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mrs. SEASTRAND, and Mr. CANADY.

H.R. 3246: Mr. LUTHER.

H.R. 3247: Mr. ENGEL, Mrs. KENNELLY, Ms. RIVERS, Mr. WATT of North Carolina, Mr.

OWENS, Mr. SPRATT, Mr. DELLUMS, Mrs. SCHROEDER, Ms. BROWN of Florida, Mr. BISHOP, Mrs. COLLINS of Illinois, Miss. COLLINS of Michigan, Mr. FIELDS of Louisiana, Mr. HASTINGS of Florida, Mr. JACKSON, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Ms. WATERS, and Mr. WYNN.

H.R. 3265: Mr. BARRETT of Wisconsin and Mr. KLINK.

H.R. 3267: Ms. WOOLSEY, Mr. CRAMER, and Mr. LAHOOD.

H.R. 3286: Mr. TRAFICANT, Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. KLINK, and Mr. FAWELL.

H.R. 3300: Mr. EMERSON, Mr. COOLEY, Mr. PARKER, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. CANADY, and Mr. STOCKMAN.

H.R. 3346: Mr. GIBBONS.

H. Con. Res. 10: Mr. STEARNS, Mr. FROST, Mr. POMEROY, Mr. SHUSTER, Ms. HARMAN, and Mr. KNOLLENBERG.

H. Con. Res. 51: Mr. SHADEGG.

H. Con. Res. 165: Mr. CLINGER, Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, Mr. NEAL of Massachusetts, Mr. LANTOS, and Mr. ANDREWS.

H. Res. 381: Mr. LANTOS and Mr. WOLF.

150.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2796: Mr. GORDON.

THURSDAY, MAY 2, 1996 (51)

151.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. UPTON, who laid before the House the following communication:

WASHINGTON, DC,
May 2, 1996.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

151.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. UPTON, announced he had examined and approved the Journal of the proceedings of Wednesday, May 1, 1996.

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

151.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2741. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sheep and Wool Promotion, Research, Education, and Information Order [Order] (Docket No. LS-94-015) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2742. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Standards for Grade of Slaughter Cattle and Standards for Grades of Carcass Beef (Docket No. LS-94-009) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2743. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and

Peaches Grown in California; Relaxation of Quality Requirements for Fresh Nectarines and Peaches (Docket No. FV95-916-5FR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2744. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Avocados Grown in South Florida; Assessment Rate (FV95-915-1IFR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2745. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Revision of User Fees for 1996 Crop Cotton Classification Services to Growers (CN-96-001-FR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2746. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act when the Department of the Army violated restrictions of section 101 of the Military Construction Act of 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2747. A letter from the Secretary of Energy, transmitting the annual report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101-189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on National Security.

2748. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for Fiscal Year 1995, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

2749. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the estimated amount of fiscal year 1997 staff-years of effort [STE] to be funded by DOD for each DOD sponsored Federally Funded Research and Development Center [FFRDC], pursuant to 10 U.S.C. 2367(d)(1); to the Committee on National Security.

2750. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. 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.

2751. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's 1995 annual report, pursuant to 42 U.S.C. 8106(a); to the Committee on Banking and Financial Services.

2752. A letter from the Commissioner, Rehabilitation Services Administration, transmitting the annual report of the Rehabilitation Services Administration on Federal activities related to the administration of the Rehabilitation Act of 1973, fiscal year 1993, pursuant to 29 U.S.C. 712; to the Committee on Economic and Educational Opportunities.

2753. A letter from the Assistant Secretary for OSHA, Department of Labor, transmitting the Department's final rule—Personal Protective Equipment for General Industry (RIN: 1218-AA71) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2754. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Natural Resources Damage Assessment—Type A Procedures (RIN: 1090-AA21 and 1090-AA23) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Final Rule to Rescind FMVSS No. 211, Wheel Nuts, Wheel

Discs, Hub Caps (RIN: 2127-AF71) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2756. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled "Patterns of Global Terrorism: 1995," pursuant to 22 U.S.C. 2656f(a); to the Committee on International Relations.

2757. A letter from the Attorney General of the United States, transmitting the 1995 annual management report for the Federal Prison Industries, Inc., pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

2758. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the proposed budget for fiscal year 1997 for the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to Public Law 104-8, section 106(a)(1) (109 Stat. 105); to the Committee on Government Reform and Oversight.

2759. A letter from the Director, Office of Personnel Management, transmitting the annual report of the Civil Service retirement and disability fund for fiscal year 1995, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

2760. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 1995 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Resources.

2761. 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.

2762. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Models 208 and 208B airplanes; Docket No. 96-CE-05-AD (RIN: 2120-AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2763. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-30, SD3-60, and SD3-SHERPA Series Airplanes (RIN: 2120-AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2764. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness directives; Jetstream Model 4101 Airplanes (RIN: 2120-AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2765. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revisions to Maintenance and Preventive Maintenance Rule (RIN: 2120-AE57) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2766. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Jackson, CA (RIN: 2120-AA66) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2767. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of