

EXTENSIONS OF REMARKS

MEDICINE AT MARSHALL: CARING
FOR WEST VIRGINIANS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. RAHALL. Mr. Speaker, sometimes it is said that people do not appreciate what is in their own backyards. It then becomes even more important to recognize the outstanding accomplishments of the hard-working people of southern West Virginia. The case in point? Marshall's medical school in Huntington.

In the past 10 years, 42 percent of Marshall University School of Medicine graduates have entered primary care practice. This gives Marshall the distinction of having the second highest rate of primary care graduates in the Nation—which is at least 3 times the national average.

National recognition of this kind is impressive. But what it says is something even more important, both for Marshall and for West Virginia. Primary care—namely family practice, general internal medicine, and general pediatrics—is what West Virginia needs the most. And people at Marshall are deeply dedicated to providing it.

The medical school at Marshall has two goals: providing students a top-quality education and improving health and health care delivery in West Virginia. Besides providing excellent classroom instruction, a medical education at Marshall emphasizes work in clinical settings, far beyond what most medical schools offer.

Unlike what is found at most medical schools, the focus at Marshall is on situations common to generalists rather than narrow subspecialists dealing in highly technical areas. Dr. Bob Walker, the chairman of family and community health at Marshall, is dedicated to the community-integrated approach of Marshall's program. All students are required to spend at least 1 month in a rural practice, a requirement which often leads students to want to continue learning preparation in primary care in rural areas.

One of the choices available is the rural physicians associate program, in which selected third-year students are placed in rural clinics for up to 9 consecutive months. Other programs include the accelerated residency in family practice program at Marshall, which lets some medical students combine their fourth year of medical school and the first year of a family practice residency, and Marshall's fellowship program in rural family practice, which matches family physicians with nonprofit health agencies in rural communities.

The medical students are taught by dedicated physicians, who often teach on a volunteer basis. These professionals believe in what they do and are deeply committed to seeing that more students become primary

care providers. With mentors like these, it is no wonder that Marshall students quickly catch the enthusiasm primary care providers have for their field.

Although one-quarter of all Americans live in rural areas, only 6 percent of medical school graduates go to rural areas to practice. At Marshall, people are well aware that it is the primary care provider who best serves the needs of a rural area. Marshall graduates leave the university having learned how to apply what they are learning in real-life situations. This is important to West Virginians. Those who study at Marshall are prepared to bring their skills to the people of southern West Virginia. This is an excellent example of the quality endeavors of people in our State who work every day to improve the quality of life for West Virginians. Marshall's medical school is training people to be doctors in West Virginia, and doing a very good job of it.

SAVE THE HEADWATERS FOREST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. STARK. Mr. Speaker, for 117 years, family-operated Pacific Lumber Co. was a model corporation. As owners of the Headwaters Forest in Humboldt County, CA, Pacific Lumber's conservative logging practices left their forests healthy long after other timber companies had liquidated. Corporate raider, Charles Hurwitz, recognized Pacific Lumber Co. as an undervalued asset and with his friends Michael Milken and Ivan Boesky orchestrated a takeover of Pacific Lumber primarily through high interest, high risk, junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers \$1.6 billion. It was the sixth largest savings and loan failure in U.S. history.

Hurwitz has been logging the Headwaters Forest at an unprecedented rate so that he can pay off his debts. He has tripled the logging of redwood, especially old growth and since 1986 has cut in excess of 40,000 acres of redwood and Douglas fir. The company has only 5,500 acres of virgin redwood and 5,000 acres of virgin Douglas fir left. However, Hurwitz's debts from various ventures are so massive that no amount of logging will help him balance his accounts. By logging at such a furious pace, Hurwitz has nearly exhausted the resources of the forest which will devastate the local timber industry and mean the loss of hundreds of jobs from the region.

Several court decisions have kept Hurwitz from logging even further. Still, Hurwitz has been logging previously restricted parts of the forest since March and has indicated that he will log the Headwaters Grove, home of the

last stand of privately owned ancient redwoods in the world, in September. He has already violated State and Federal endangered species law and is clearly not afraid of punishment. Mr. Hurwitz needs to know that the taxpayers will not stand idly by and watch him break the law time after time, avoid his massive public debt and cut down an ancient grove of 2,000-year-old redwood trees. Unfortunately, it appears that Hurwitz will break the law once again, but this time he will also completely ruin one of nature's greatest treasures.

The Federal Deposit Insurance Corporation [FDIC] is investigating Hurwitz for his role in the 1988 savings and loan failure. If prosecuted, the FDIC on behalf of the taxpayers could force Hurwitz to pay back \$550 million, which ironically, conveniently, or justly approximates his price tag for the Headwaters Forest. A debt for nature swap is the best way for the taxpayers to recover their debt from Mr. Hurwitz and also save the Headwaters Forest from destruction.

If the public is interested in saving the Headwaters Forest redwoods from the chainsaws, then this dept for nature proposal is our best hope. Voters should let their Members of Congress know—and all concerned taxpayers should urge the FDIC to pursue aggressively its investigation of the failure of United Savings Association of Texas.

OPM PRIVATIZATION:
CONTRACTING OUT TRAINING

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, the Office of Personnel Management [OPM] has become the proving ground for the administration's privatization efforts. The types of business organizations which OPM has utilized thus far to spin-off two of its major functions, training and investigations, have generated controversy because they do not fit the traditional mold of a private sector enterprise. But OPM's willingness to be innovative in an effort to ensure that agencies continue to receive quality services and that its separated employees have bona fide job opportunities is commendable.

Last month, the subcommittee held a hearing on the first of OPM's privatization initiatives—the proposed formation of an employee stock ownership plan [ESOP] to conduct background investigations needed for Federal employment. Several important issues were examined, including the viability of the new entity, the amount of savings to be realized, and whether a private firm could do better or more cost effective work.

Today, the subcommittee examines OPM's decision to transfer its nonresidential training

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

activities to the USDA Graduate School, a non-appropriated fund instrumentality [NAFI]. The very same issues raised at the earlier hearing need to be addressed by the each of the witnesses.

Mr. Chairman, since you made known your belief that more than 50 percent of the services and activities of the Federal Government ought to be contracted out, privatization has become an issue dominating much of the time of this subcommittee. While I do not oppose privatization, I believe that each proposal calling for it must be subjected to an exhaustive and deliberative review.

TRIBUTE TO ROLAND DAVID DEL
CID

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to a young man in my district, Roland David Del Cid, who will be honored by the Boy Scouts of America on August 21, 1995. On that day, Troop 113 will bestow upon Roland the highest honor of Eagle Scout at his honor court ceremony.

An honor graduate of Culver City High School, Roland has demonstrated dedication to athletics and academics. He was a varsity starting player on the Culver City High School football and baseball teams. Additionally, Roland maintained a 4.2 GPA and is ranked in the top 10 of his graduating class of 270. Roland has been recognized as a scholar-athlete by the National Football Foundation and College Football Hall of Fame, and he has received several other honors for his scholastic and athletic accomplishments. This fall, he will enter the Wharton School of Business at the University of Pennsylvania where he plans to major in economics.

During his career in the Boy Scouts, Roland has continued to dedicate himself to the improvement of his community and his troop. He has held several positions in the troop, including scribe, patrol leader, assistant patrol leader, senior patrol leader, and troop guide. Roland is also known to be active in recruiting and training younger scouts. Together with the rest of Troop 113, Roland has volunteered at homeless shelters, worked on food drives, and planted trees.

Roland's commitment to volunteerism is best exemplified by his Eagle project, in which he organized a highly successful blood drive. Culminating 3 months of organization and planning, the blood drive collected over 60 pints of blood which was donated to the American Red Cross. I commend his dedication to this project and community service.

Mr. Speaker, Roland is an exemplary young man who has shown great commitment to his family, community, and education. I urge my colleagues to join me, Troop 113, and Roland's friends and family in congratulating him on earning the rank of Eagle Scout, and in extending our best wishes for continued success in the future.

FOOZLE OF THE WEEK AWARD

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. SCHROEDER. Mr. Speaker, I confer the "Fozzle of the Week" award on my colleague, Mr. HEFLEY. Mr. HEFLEY has earned this award by giving his "Porker of the Week" award to the National Institutes of Health [NIH] for its \$5.5 million grant to the University of Colorado. He claimed that the grant will merely fund research on "why people get fat." Hardly the case.

The NIH grant will establish the Colorado Clinical Nutrition Research Unit [CNRU], the only regional research unit of its kind between Chicago and Los Angeles. CNRU will study three areas: obesity and diabetes, pediatric nutrition, and trace mineral metabolism. The grant will also support a project on nutrition and premature infants that will help determine the best diet for the first days of life, as well as a study on proper nutrition and fitness for adolescents. Not only are nutrition and proper eating habits key to a healthy life, but their emphasis is still lacking in medical training.

Contrary to what my colleague has stated, obesity is not a problem that can be solved by simply eating properly and exercising regularly. Medical experts will tell you that there is no known, definitive cause of obesity.

Mr. HEFLEY also claimed that the NIH money will not be used for research on cancer, AIDS, or juvenile diabetes. The truth is that obesity is associated with diabetes and certain types of cancer, as well as with heart disease, atherosclerosis, hypertension, strokes, and many other illnesses that cost this Nation millions of dollars in health care every year.

The CNRU project brings Colorado into the forefront of national research in nutrition. My colleague says that a Colorado university does not need to study obesity, since obesity is not a major Colorado problem. That is like saying that we should only study skin cancer in California, or that we should restrict study of gerontology to Florida. The Colorado delegation should be proud that the University of Colorado has consolidated nutritional research in the Rocky Mountain region and is on its way to becoming a national leader in health research. I know that I am.

PORKER OF THE WEEK AWARD

Mr. HEFLEY. Madam Speaker, I would like to tell you about the National Institutes of Health and its multimillion-dollar grant to the University of Colorado. This multimillion-dollar grant is not for cancer research, as one might expect, or for AIDS research, or aid to children in developing countries, or for juvenile diabetes, or any of the things you might think this kind of money would go for. But what it is for is to study why people get fat.

Now, it does not take this kind of money, it does not take any money, to figure out what will result from too many trips to the refrigerator. In fact, you could spend a fortune just buying the magazines and books that contain the already countless studies on this subject. Thousands of them have been done.

Sure, it does appear that there is a certain medical explanation for some obesity, but

most of the studies seem to indicate that the way you eat and the way you exercise explains most of the problem.

It is ironic that this study is being done in Colorado, which has the lowest percentage of overweight people in the Nation.

So the National Institutes of Health gets my porker of the week award this week.

CU NUTRITION CENTER BECOMES REGIONAL
RESEARCH SITE

The University of Colorado Center for Human Nutrition has received a five-year, \$5.5 million grant from the National Institutes of Health to form a regional nutrition research unit, the only one of its kind between Chicago and Los Angeles.

The Colorado Clinical Nutrition Research Unit [CNRU], one of 10 in the country, will focus on research in three areas: obesity and diabetes, pediatric nutrition and trace mineral metabolism. The grant will fund pilot research projects and several "core labs" to support research already funded from other sources.

"This award launches Colorado into the forefront of national research in nutrition," said Michael K. Hambidge, MD, professor of pediatrics and director of the CU Center for Human Nutrition. The Center, established in 1988, is part of the University of Colorado Health Sciences Center.

One project that will benefit from the grant is a three-year weight control program that focuses on nutrition and fitness for students at Lincoln High School.

"One third of American adults are inactive and overweight, and rates in adolescents are at least that high," said James Hill, PhD, associate professor of pediatrics and program director. "Inactive, overweight teens often become inactive, overweight adults, and they can develop a number of serious health problems, including cardiovascular disease and diabetes."

Students in the program take classes three times a week in nutrition and "lifetime" activities such as rollerblading, bicycling, walking and aerobics. They will also undergo a number of measurements several times during the year, including underwater weighing to determine body composition and a stationary bike riding to measure aerobic capacity.

"We hope to prove that an intervention program like this can have a positive health impact on adolescents," Dr. Hill said. "Hopefully, it can also be adapted to other schools."

The CNRU grant will also support a pilot project on nutrition and premature infants, directed by Patti Thureen, MD, assistant professor of pediatrics. Dr. Thureen is studying protein utilization in extremely low birth-weight infants to determine the best diet for their first days of life.

"There is already some evidence that what you feed larger premature babies in their first month of life may affect their long term developing," she said. "We think the same may be true for tinier babies." Her patients weigh less than 1,000 grams, or approximately two pounds, and are 10 to 15 weeks premature.

Premature infants are traditionally fed a mixture of water and glucose intravenously for the first two to three days after birth. Dr. Thureen and her colleagues think that the infants may grow better if they are fed a diet closer to that which they receive from the placenta in utero—a mixture of water, protein, fat, vitamins and minerals.

The CNRU will consolidate nutrition research in the Rocky Mountain region, helping others extend their research beyond what

they can do for themselves, said Dr. Hambridge. The Center already coordinates research with Colorado State University through the CU-CSU Nutrition Consortium, and Dr. Hambridge hopes to form similar partnerships with other universities in the region.

COMMENDATION FOR COL. JAY
McNULTY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MONTGOMERY. Mr. Speaker, August 31 will mark the end of a very distinguished career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in his Nation's uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kinship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th anniversary of D-day in England and Normandy last year. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest trips I have been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

THE IMPORTANCE OF SECTION 29
TO LANDFILL GAS PROJECTS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing today a bill to extend a tax credit in section 29 of the Internal Revenue Code for producing gas from biomass or synthetic fuels from coal. The credit expires at the end of next year. My bill would extend it for another 4 years through the year 2000.

This tax credit was originally enacted in 1980 in the aftermath of the oil embargo as an inducement for Americans to look for fuel in

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unusual places. The country had just gone through oil shortages, long lines at gasoline stations, spiralling inflation, and record-high interest rates driven by the increase in energy prices, followed by a deep recession. We were determined not to be held hostage again. To this end, Congress enacted a series of measures intended to use what fuel we have more efficiently and to give business incentives to tap sunlight, wind, geothermal fluid, biomass, and similar resources for fuel.

The section 29 tax credit was part of the strategy. It was a credit of \$3 for the equivalent of each barrel of oil in energy content produced from a list of unconventional fuels. The list included gas from Devonian shale, tight sand formations, coal seams, geopressured brine and biomass, and synthetic fuels from coal. None of these fuels could be economically produced without the credit. Congress provided for a phaseout of the credit if oil prices ever reached high enough levels again so that the market would produce them on its own. Both the amount of the credit and the phaseout prices are adjusted each year for inflation.

The credit was originally scheduled to expire in 1989. It has been extended three times.

The last time—in 1992—Congress drastically cut back the list of fuels that qualify to only two: gas from biomass and synthetic fuel from coal. An example of gas from biomass is methane produced by decomposing garbage at landfills.

To a degree, the logic for continuing the credit shifted by 1992. In the case of landfill gas, the credit produced important environmental benefits by collecting a dangerous greenhouse gas that might otherwise be released into the atmosphere. This was on top of tapping a potentially useful fuel that was otherwise going to waste. In the case of synthetic fuels from coal, the country has tremendous coal reserves, but coal can be a dirty fuel and there was a desire to continue efforts to develop coal-based fuels as an alternative to burning straight coal.

Why extend the credit again? My main interest is in seeing an incentive remain on the books to tap methane gas at landfills. We still are not doing enough in this area.

Methane gas at landfills is a serious health and safety hazard. It must find an outlet or it can explode. During the 1980's, there were more than two dozen life-threatening explosions and at least three deaths at U.S. landfills.

There are two possible outlets for landfill gases. Gas can migrate underground to adjoining properties, where it can kill or stunt vegetation by displacing oxygen from the ground. Alternatively, it can escape into the atmosphere. Contaminants in the gas contribute to air pollution and mix with sunlight to create smog.

Landfill operators control the gas either by installing so-called passive systems, like trenches, barriers and vents to prevent gas from migrating underground and to give it an outlet into the atmosphere, or by installing so-called active systems where the gas is pumped to the surface and either flared, vented, or collected for use as a fuel.

Use as fuel is still rare. There are approximately 6,000 landfills in the United States. At

the end of 1990, gas was being collected for fuel at just 97. In 1995, the figure is still only 143.

Last year, the U.S. Environmental Protection Agency created a special Landfill Methane Outreach Program in an effort to encourage more collection of landfill gas for use as fuel. Methane is a greenhouse gas that contributes to global warming. It is the second largest contributor to global warming after carbon dioxide, and landfills are the single largest source of methane emissions, accounting for more than a third of total methane.

Greenhouse gases are expected to increase by 14.5 percent during the 1990's. The Clinton administration committed in April 1993 to hold greenhouse gas emissions to 1990 levels. The Landfill Methane Outreach Program is an effort to avert this increase. EPA is preparing a report to Congress on barriers to landfill gas projects, it has set up a hotline to cut through redtape, and it is in the process of signing cooperative agreements with States and utilities to encourage more landfill gas production.

Air pollution officials—not just at EPA but also at the State and local levels—are eager to see the tax credit extended. The credit is just starting to have an effect at landfills. Most landfill owners have only recently become aware of it, and the pace of landfill gas development is increasing noticeably. It took almost 15 years to get the word out. There was almost a 50-percent increase in landfill gas projects in the last 5 years. The credit needs more time to reach its potential.

EPA estimates that approximately 750 of the 6,000 landfills in the United States are candidates for landfill gas production. The experts believe it will not happen without the credit.

My bill would do four things.

First, it would extend the credit. The credit is currently scheduled to expire for projects placed in service after December 1996. Under the bill, this deadline would be pushed back 4 years through the year 2000.

Second, it would push back the so-called expiration date for the credit by a commensurate number of years. Under current law, landfill gas projects must be in service by next year, but if they meet this deadline, then they qualify for tax credits on the gas produced through the current expiration date, 2007. My bill would push back the expiration date by 4 years through 2011.

Third, my bill would eliminate a complication concerning expiration dates. There are two different expiration dates in the statute currently. The credit expires for pre-1993 projects in 2002. It expires for more recent projects in 2007. My bill would collapse these dates into a single expiration date of 2011 for all projects. There is a misconception that having made an investment to get a landfill gas project off the ground, the developer will continue producing gas after the credit expires. Many projects will not. Landfill gas production is not economic at most sites without the credit. Production will cease, notwithstanding the capital investment the developer made to get the project going initially, because he cannot afford to operate at a loss. In addition, there are continuing capital costs that must be made to keep a project operating. Landfills expand. Garbage shifts underground. Pipes that have

been put underground to collect the gas break or bend and new ones must be installed.

Finally, my bill would make a technical change in section 29 that, at a 1994 House Ways and Means Committee hearing, the Treasury Department said it does not oppose. To qualify for section 29 tax credits today, the person producing the gas must sell it to an unrelated party. The reason for this requirement is obscure. Most landfill gas is used to generate electricity for sale to the local utility. Landfill gas projects are structured currently so that ownership of the gas collection equipment is in different hands than the electric generating equipment. It would be simpler if the producer of the gas could use it himself to generate the electricity. My bill would allow him to do just that. The bill would treat the unrelated-party sale requirement as having been met in cases where the producer uses the gas to generate electricity which is sold to an unrelated party.

The Ways and Means Oversight subcommittee, which I chair, held a hearing on May 9, 1995, about whether to extend certain expiring tax benefits, including the section 29 credit. I look forward to extending the credit later this year before work on new landfill gas projects grinds to a halt because developers are worried there is not enough time to get them into service.

H.R. 2142, THE DEPARTMENT OF ENERGY LABORATORY MISSIONS ACT

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. SCHIFF. Mr. Speaker, today I am joining my colleague Mr. GEREN in introducing legislation which will begin to establish the missions for the Department of Energy's national laboratories in the post-cold war Federal scientific establishment. Specifically, my legislation will establish a procedure for defining and assigning missions to the Department's laboratories which take into account the historic role the laboratories have played, and continue to play, in the defense of this Nation and in its scientific and technological success.

I am introducing this legislation in response to recent studies of the national laboratories, which clearly show the need for better defined roles and management. Through their unique historical missions, DOE's national laboratories have developed core competencies and scientific capabilities that have contributed and continue to contribute technology to ensure the maintenance of the nuclear deterrent and other elements of our national security. These laboratories collectively represent an extensive science and technology resource of people, facilities, and equipment. The national laboratories have established successful collaborative relationships with other Federal agencies, universities, and private industry that have allowed each partner to share and leverage their capabilities. Their contributions to energy-related and basic science, environmental restoration and waste management, and other emerging scientific fields are internationally significant.

Over the years, however, the missions of the national laboratories have become diffuse. Congress is now in the process of rethinking the infrastructure which supports research by the Federal scientific establishment. I believe it is, therefore, vital that the laboratories' pre-eminence as research facilities and their contributions to the Nation's overall national security, scientific and industrial well-being be recognized, defined, and focused. Whatever the final form of our Federal research support infrastructure, the national laboratories will have a prominent role within it.

My legislation first defines a three step public process by which the Secretary of Energy, working with all stakeholders, including Congress, first defines the criteria, then the missions, and then streamlines, if necessary, the labs to carry out those missions. H.R. 2142, the Department of Energy Laboratory Missions Act, also directs the DOE to cease internal health, safety, and environmental regulation of the labs and to transfer those responsibilities to other appropriate Federal regulatory agencies. Recent reports to the Secretary of Energy indicate this will substantially improve management of the labs and release scarce resources to accomplish the labs' missions.

As chairman of the Subcommittee on Basic Research of the Committee on Science, I intend to hold hearings on this legislation, and other related pending legislation this September. I am open to improving the mission-definition process and management at the Department and look forward to hearing from all interested parties at that time.

Thank you, Mr. Speaker. I look forward to working with you and the Members of this House on this legislation.

A section-by-section summary of the legislation is attached.

SECTION-BY-SECTION SUMMARY, H.R. 2142

The Department of Energy Laboratory Missions Act

Section 1. Short Title.
"Department of Energy Laboratory Missions Act"

Section 2. Definitions.
1. Departmental Laboratory;
2. Federal Laboratory;
3. Relevant Congressional Committees;
4. Secretary.

Title I. Mission Assignment
Section 101. Findings.
1. Labs have developed core missions;
2. Labs continue to contribute to national security;

3. Labs have helped maintain the peace;
4. Labs represent extensive science and technology resources that contribute to national technology goals;
5. Labs have established successful collaborative relationships;
6. Partnerships and cooperative agreements should be encouraged;
7. Labs need well defined and assigned missions.

Section 102. Missions.
The DOE may maintain labs to advance the following core missions:

1. To maintain the national security.
A. By providing to nuclear weapons stockpile.
B. By assisting with dismantlement of nuclear weapons and working to curb proliferation.

C. Advancing science and technology in the development of nuclear and conventional weapons.

2. To ensure the Nation's energy supply.
3. To conduct basic research in energy-related science and technology and in emerging scientific fields.
4. To carry out research and development for the purpose of minimizing environmental impacts of the production and use of energy, nuclear weapons, and materials.
5. To carry out additional missions as assigned by the President.

To further its core missions the DOE may establish mutually beneficial collaborative partnerships.

Section 103. Procedure for Laboratory Mission Assignment and Streamlining.

a. Mission Assignment and Streamlining Criteria.

1. The Secretary shall publish in the Federal Register, not later than 3 months after enactment, the criteria for the assignment of missions to, and streamlining if necessary of departmental laboratories. The public shall have 30 days to respond. In developing the criteria, the Secretary shall consider the following:

A. the unique technical and experimental capabilities of each lab;

B. unnecessary duplication of effort at the labs;

C. cost savings or increases due to streamlining;

D. appropriateness of research done at the labs;

E. expert advice from outside individuals.

2. Five months after enactment, Secretary shall publish in the Federal Register and transmit to Congress the final criteria.

b. Secretary's Proposals.

1. Not later than 1 year after enactment the Secretary shall publish in the Federal Register and transmit to Congress the Secretary's proposals for mission assignments and streamlining.

2. Summary of Process.

The Secretary shall include a summary and justification of the process used.

c. Availability of Information.

The Secretary shall make all information available to the Comptroller General.

d. Comptroller General Report.

Fifteen months after enactment the Comptroller General shall report to Congress on the Secretary's proposals.

Section 104. Assignment of Missions and Streamlining of Labs.

The Secretary shall:

1. assign the missions as proposed in the report;

2. streamline the labs as proposed;

3. complete process in 4 years after date report is transmitted.

Section 105. Reports.

Each fiscal year the Secretary shall transmit to Congress:

1. a schedule of mission assignments;

2. any transfer of functions between labs.

Title II. Governance

Section 201. Findings.

1. inordinate internal focus at DOE on compliance issues;

2. too much emphasis at DOE on oversight and compliance roles;

3. costs of review groups interferes with research operations;

4. too much influence has been ceded by DOE to nonregulatory advisory boards;

5. enforcement of environment, safety, and health rules and regulations is a function of other government agencies.

Section 202. Elimination of Self-Regulation.

The Department shall implement, but shall not be the agency of enforcement of, Federal, State, and local environment, health, and

safety rules and regulations, unless the Secretary certifies a particular action is unique to DOE and is necessary to maintain human health and safety.

Section 203. Effective Date.
Title II shall take effect October 1, 1996.

**RECOGNITION OF PROFESSOR
SUNG-HOU KIM AND PROFESSOR
CARL HUFFAKER**

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. BAKER. Mr. Speaker, recently two outstanding citizens of my district of San Francisco's East Bay region have been recognized for their outstanding achievements in the field of science.

Professor Sung-Hou Kim of the University of California at Berkeley is one of the newest inductees of the prestigious National Academy of Science. A resident of Moraga, CA, Professor Kim is the first American of Korean ancestry to obtain membership in this exclusive organization, whose 1,700 members represent the finest in American science.

As Director of the Lawrence Berkeley National Laboratory's Biodynamics and Structural Biology Division, Professor Kim addresses questions relating to molecular communication and structure. His expertise in x-ray beams and molecular research is enabling him to make an important contribution in the development of cancer-fighting drugs, chemicals to break-down oil spills, and the formulation of a drug for the HIV virus.

The significance of Professor Kim's work is apparent. He richly deserves the signal honor he has received for his valuable efforts.

In addition, another UC-Berkeley professor (emeritus) has been recognized by the Government of Israel for his work in enhancing the world's agriculture. The Israeli-based Wolf Foundation gave Professor Carl B. Huffaker the Wolf Prize in Agriculture for his groundbreaking research in integrated pest management. This international prize, presented to Professor Huffaker in March by Israeli President Ezer Weizman, is awarded to individuals who use their disciplines to benefit humanity.

This major international award is being shared by Professor Huffaker and Professor Perry L. Adkisson of Texas A & M University for their efforts to combat crop-destroying insects not with pesticides, but other insects. This innovative, environmentally safe way of preventing crop devastation has had a major impact on crop protection worldwide.

Professor Huffaker, who lives in Lafayette, CA, first came to UC-Berkeley in 1946 as an assistant entomologist, after which he joined the faculty. He was director of the university's International Center for Integrated and Biological Control from 1970-1983.

These two remarkable men are living evidence that uniting one's gifts with dedication and perseverance can make a true difference in the way we live our lives. Professors Kim and Huffaker have done this for the good of people throughout the world, and merit our thanks for their noble work.

EXTENSIONS OF REMARKS

TRIBUTE TO TARA SALLEE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. HILLIARD. Mr. Speaker, I come before you today to pay tribute to a young lady from my office, Ms. Tara Sallee. Ms. Sallee is my Washington, DC scheduler and special assistant.

At the end of this month, Ms. Sallee will be going back to Alabama to continue her studies at the University of Alabama at Birmingham. She has received a full scholarship so she may study and receive a master's degree in health care administration.

Ms. Sallee is one of the most dedicated workers that I have ever employed. She has a work ethic which is second to none. She not only does a great job at work, but she is also one of our most popular staff members. Everyone in our office regards her as one of their friends. She has an excellent attitude which this House of Representatives could use more of in our day-to-day dealings with one another. Needless to say, we will all miss her very much.

Although we will all miss her, I congratulate her for continuing her education. My congratulations go to Tara, as well as to her mother, Ms. Daisy Sallee of Montgomery, Alabama.

**TRIBUTE TO THE OTTERBEIN-
LEIPSIC RETIREMENT COMMUNITY**

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's Fifth Congressional District. On August 1, 1995, the Otterbein-Leipsc Retirement Community will break ground for its new assisted-living wing.

The center serves residents from Findlay, Defiance, Paulding, Napoleon, Fostoria, and Ottawa. Founded in 1988, it provides a wide variety of retirement services and living arrangements. The assisted-living project has been many years in the making and everyone is very excited about its groundbreaking.

The original Otterbein Home was established in 1912. The facility was purchased from the Shakers at Union Village by the United Brethren Church. Since its humble beginnings it has grown to include five campuses across the State of Ohio.

Selecting a retirement facility can be an extremely difficult decision for anyone. Otterbein has been successful because the dedicated staff at Otterbein-Leipsc understands this and strives to make the decisionmaking process as smooth and gentle as possible.

Mr. Speaker, it is obvious that the Otterbein-Leipsc Retirement Community has benefited the residents of northwest Ohio. I ask my colleagues to join me today in recognizing the achievements of the center and encouraging them to continue to uphold what has become the standard for service in Ohio.

**INTRODUCTION OF A BILL TO
AMEND THE FEDERAL CROP IN-
SURANCE ACT**

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. ROBERTS. Mr. Speaker, today I am introducing legislation that would eliminate the requirement that all agricultural producers must buy a Federal crop insurance policy if they are to retain their eligibility for USDA programs. In return for this flexibility, producers will give up any possible Federal assistance for weather-related losses.

The one problem with the new catastrophic crop insurance program is it imposes a government program on someone who doesn't want it. Because any person who receives a USDA payment must purchase a catastrophic policy, we have seen landlords with a minimal interest in a farming operation faced with buying insurance coverage they do not want and do not need. As I cited in subcommittee hearings recently, nine persons with an interest in three crops in two counties were required to buy three policies in the two counties costing \$2700. This figure does not include the costs to the tenant farmer. I can assure my colleagues this implementation of crop insurance reform was not what the committee intended and needs to be fixed.

The bill I am introducing will strike this onerous requirement and instead require the producer to sign a waiver acknowledging his refusal of crop insurance with the understanding there will be no disaster assistance provided in the event the producer suffers a weather-related disaster. In addition to the common sense this brings to the program, the Congressional Budget Office estimates this provision will save nearly \$180 million during the period 1996 through 2002. That is good news during these times of budget cuts.

Finally, Mr. Speaker, the bill also deals with a problem summer-fallow farmers experienced this spring with failed wheat acres. Current law restricts a producer who intends to plant a substitute crop to do so only on those acres where the failed crop was planted. This does not work in high plains winter wheat country where a substitute crop will not grow on ground where the failed crop was growing. There is insufficient moisture to grow a substitute crop. The amendment I am introducing today would allow the crop to be planted on summer fallow ground where there would be moisture sufficient to grow a substitute crop so long as the producer maintained compliance with his conservation plan.

These amendments are necessary for the credibility of the crop insurance program and the flexibility producers need in order to plant substitute crops. Thank you, Mr. Speaker.

INTRODUCING THE MARKEY-MORAN-BURTON-SPRATT AMENDMENT ON PARENTAL BLOCKING OF TV SHOWS THAT HARM CHILDREN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing into the RECORD the Markey-Moran-Burton-Spratt amendment on parental blocking of TV shows that harm children as submitted to the House Rules Committee. We are introducing this amendment on behalf of a diverse coalition of parents, teachers, elementary school principals, school psychiatrists, churches, pediatricians, doctors, and civic organizations working to combat violence in our homes, our schools, and on the streets.

Our request is their request—that the rule for consideration of H.R. 1555 make in order the Markey-Moran-Burton-Spratt amendment to promote the health and welfare of children by including in TV sets technology that parents can use to manage and reduce the flood of violent, sexual, and indecent material delivered to young children over the television set.

This request is bipartisan, as you will note from today's witnesses and from the signatures on the letter we have delivered to you, Mr. Chairman, in support of this amendment's consideration by the full House of Representatives.

The subject of this amendment has received extensive consideration by the House of Representatives during five hearings on television violence held in the House Telecommunications Subcommittee in the last Congress and a similar number in the Senate.

When I first began pressing this technological defense against TV violence in 1993, I introduced a bill with the support of 4 Republicans and 10 Democrats.

When Mr. MORAN, Mr. BURTON, and Mr. SPRATT and I introduced a new bill in this Congress, 4 Republicans and 25 Democrats joined us.

When a similar proposal was offered by Senator CONRAD in June as an amendment to the Senate counterpart to H.R. 1555, it received the support of 32 Republicans and 41 Democrats, passing 73-26.

On July 10, the President of the United States endorsed this approach, calling the V-chip "a little thing but a big deal".

And as you know, the letter we delivered today includes 19 Republicans and 23 Democrats.

So this is a subject of intense interest receiving broad support from both parties.

It is supported by a huge majority of the American public, with some polls and reader surveys putting support as high as 90 percent.

Mr. Chairman, its time has come.

The average American child has seen 8,000 murders and 100,000 acts of violence by the time he or she leaves elementary school.

Parents know what's going on. I have held five hearings over the last 2 years on the subject of children and televised violence. In every hearing I have heard compelling testimony about the harmful effects of negative tel-

evision on young children, and about the efforts of industry to reduce gratuitous violence. But parents don't care whether the violence is gratuitous or not. When you have young children in your home, you want to reduce all violence to a minimum.

That's why parents are not impressed with the temporary promises of broadcast executives to do better. Parents know that the good deeds of one are quickly undermined by the bad deeds of another.

The pattern is familiar. Parents plead for help in coping with the sheer volume and escalating graphics of TV violence and sexual material. Congress expresses concern. The industry screams first amendment. The press says they're both right, calling on Congress to hold off and calling on industry to tone things down.

Meanwhile, parents get no help.

Until parents actually have the power to manage their own TV sets using blocking technology, parents will remain dependent on the values and programming choices of executives in Los Angeles and New York who, after all, are trying to maximize viewership, not meet the needs of parents.

Mr. Chairman, here is what the amendment would do:

First, we will give the industry a year to develop a ratings system and activate blocking technology on a voluntary basis. If they fail to act, then the legislation will require the FCC to:

First, form an advisory committee, including parents and industry, to develop a ratings system to give parents advance warning of material that might be harmful to children. Please note that the government does not do the ratings.

Second, require that any ratings implemented by a broadcaster be transmitted to TV receivers, and

Third, require TV set manufacturers to include blocking technology in new TV sets so that parents can block programs that are rated, or block programs by time or by program.

We want both the House and the Senate on record as favoring this simple, first amendment-friendly, parent-friendly, child-friendly solution to this ongoing problem.

You will hear arguments from some that this technological way of dealing with the problem of TV violence is akin to Big Brother. It's exactly the opposite. It's more like Big Mother and Big Father. Parents take control.

And we know this technology works. In this country, the Electronics Industries Association has already developed standards for it. In Canada, a test in homes in Edmonton proved that it works and works well.

This is not a panacea. It will take some time for enough new sets to be purchased to have an impact on the Nielsen ratings and, therefore, an impact on advertisers. But its introduction in the cable world through set-top boxes is likely to be much more rapid. The cable industry has said that it is prepared to move forward with a V-chip approach as long as broadcasters move forward as well.

And the Electronic Industries Association has already agreed to introduce the technology into sets that would allow up to four levels of violence or sexual material to be rated.

Only the broadcasters have remained adamant in their opposition. They are opposed because the V-chip will work so well, not because it won't work. It will take only a small number of parents in key demographic groups using the V-chip to test the willingness of advertisers to support violent programming.

Parents will have the capacity to customize their own sets—to create their own private safe harbor—to protect their own children as they see fit.

I urge my colleagues to support this important initiative.

HONORING THE 100TH ANNIVERSARY OF LONG BEACH POLYTECHNIC HIGH SCHOOL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. HORN. Mr. Speaker, I rise today to salute the 100th anniversary of Long Beach Polytechnic High School—a much-loved, venerable institution in Long Beach, CA, which has been producing scholars and champions for the past century.

Poly high, as it is affectionately known, had humble beginnings in the chapel of a local church, but a strong—for the time—starting enrollment. At that time, 1895, Long Beach was a modest village of approximately 2,000 residents. The Federal census counted 2,252 in 1900. Though small in number, these early citizens saw learning as a large part of their children's lives. The first school had begun in 1885, with under a dozen students in a tent loaned by the local postmaster, when the community numbered 12 families. Ten years later, with over 100 elementary school students studying in their own building, an election was held on September 3, 1895, to determine whether a high school district should be formed in Long Beach. The vote in favor was unanimous. Two weeks later—in an era when education beyond the eighth grade was not the norm—43 9th, 10th, and 11th graders began classes with a faculty of two: Professor Walter Bailey and Mrs. Hattie Mason Willard.

Three years later, in 1898, the community's strong desire for a high school education for one and all supported the opening of a separate high school building—the first in Los Angeles County outside of the city of Los Angeles. They even levied a special tax on themselves to raise the \$10,000 to cover the city's part of the construction costs.

The new high school was known as American Avenue High School for its location and offered a strong, but limited program primarily aimed at preparing students for college. The quality of instruction was so high that 6 years after opening its doors, the high school was accredited by the University of California, thus permitting its graduates to enter the university without passing special examinations.

By 1910, Long Beach had rapidly grown into a city of 18,000 and its high school was overflowing with students. Residents not only saw a need for a larger high school, but also for an expanded curriculum that would offer technical-vocational courses in addition to the college preparatory classes. They wisely knew

that such a school would appeal to many young people who had not been interested in the more traditional type of educational program.

That year, a \$240,000 bond issue was passed to build a new type of high school that would offer technical-vocational courses as well as a college preparatory curriculum. In 1911, it opened its doors at the corner of 16th Street and Atlantic Avenue in Long Beach and has stood there ever since as Long Beach Polytechnic High School. In 1910, the site was considered so far on the outskirts of town that "only jackrabbits were out there." This somewhat derisive comment led to the selection of Poly's mascot, the jackrabbit. Bearing the deceptively benign title of the Mighty Jack Rabbits, Poly High's athletic teams have gone on to win numerous championships and to produce many professionals and Olympic athletes.

In addition to offering a well-rounded, polytechnic curriculum designed to meet the needs of all the community's young people, Poly has also provided experiences in self-governing for its students. In the early part of this century, student government was not a common activity in high schools. But a Poly teacher during this era, Miss Jane Harnet, worked to add this important learning activity to the school's courses. In the 1913-14 Poly student yearbook, the *Cerulea*—from the adjective meaning of the color sky blue—student Stanley Harvey wrote: "The students of the Long Beach Polytechnic High School have a privilege not generally accorded in most high schools, in that they have an organized student body with both elective and appointive offices who have charge of all assemblies, entertainments, literary activities, etc., provided that they pass the two faculty members of the Commission."

The Long Beach community's commitment to the finest educational experiences for all students also extended to students of varied backgrounds. Poly High has long served as a model for providing a first-rate education for a multi-ethnic student body. The student body has been integrated from the school's first days, and Poly High has a decades-long tradition of educating young people to appreciate and respect those of differing backgrounds and cultures. In the years following the Second World War, Japanese-Americans returning from the relocation camps sent their children there—the same school that their parents had attended in the 1920's and 1930's. Those Japanese-American sons and daughters who enrolled in the 1940's and returned to Long Beach saw their children later join a large, racially mixed student body of African-Americans, Anglos, and Latinos. With over 40,000 Cambodians in Long Beach and many Vietnamese and overseas Chinese, Poly High today embraces a large Southeast Asian population as well.

Recently, I visited Poly High and met with the cadet corps as well as students in American Government. What an outstanding group of young Americans. The cadets were energetic, dedicated, and motivated beyond their years.

In many ways, alumni from Poly High follow their school's motto: Enter to learn, go forth to serve. From celebrities such as Van Johnson, Billie Jean King, Marilyn Horne, and young

film star Cameron Diaz; to countless community activists to heroes of the First and Second World Wars, Korea, Vietnam, and the Persian Gulf war; students from Poly have made their mark. One graduate, Lorraine Miller Collins, became Long Beach's major philanthropist—funding the Miller Children's Hospital, a rare book room in the public library, and an international house and Japanese garden at California State University, Long Beach.

I am pleased that my two children are Poly graduates, as are three of my staff members. My wife, Nini, served as president of the parent-teacher association and, for many years, was also a member of the Poly High Community Interracial Committee. The PACE program at Poly has attracted bright students of all ethnicities and races from all parts of the city. The number of college acceptances is proof that this fine high school is truly producing scholars and champions.

Beginning near the end of the 19th century in a small building on the outskirts of town, Poly High has grown through the 20th century to become a leading urban educational institution. Its history is one of community commitment to a quality education for all. Its graduates are models of the value a community receives in return for an early investment in and commitment to education. Today, Long Beach Polytechnic High School stands as testimony to the importance placed on education by the citizens—then and now—of Long Beach, CA.

Congratulations again on your 100th birthday, Poly High, may you have many more years of service to our community, our State, and our Nation.

NASA: LOOKING TO SPACE

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. ALLARD. Mr. Speaker, I would like to take a minute to show my support for NASA and the space station. NASA is a critical investment in America's future. The contributions made by NASA have provided major breakthroughs in science and technology, which in turn, have contributed to long-term economic growth and provided opportunities for future generations.

Technology is rapidly changing, and NASA has been a major part of that change, with its long range research focus. While the private sector should be the principal place for developing new and improved technologies, many of NASA's investments have led to spinoffs which have been successfully incorporated into the marketplace—for example: Virtual reality, color and 3-dimensional graphics, language translators, compact discs, heart rate monitors, water purification and filters, breast cancer detection, microlasers, fireman's air tanks, and emission tests.

Even with these innovations, NASA has remained focused on its one core mission: Space exploration. NASA's mission does not interfere or compete with private industry. NASA stands as a strong example of how Government research can complement private industry research.

I have always had the utmost respect for the research by NASA but in the past I have not always been their strongest ally. I have voted against the NASA budget for the space station when I believed NASA was wasting resources and moving away from their core mission. Though it took much prodding from Congress and a major reduction in their budget, I strongly believe NASA is now one of the leanest and most productive agencies of the Federal Government.

Earlier this year, the Budget Committee held hearings on corporate downsizing. At these hearings, we heard from General Electric and Kodak. They told the committee how they successfully downsized their companies while producing more. With their reduced budget, this is exactly what NASA has accomplished. NASA's budget has already been reduced by 35 percent since fiscal year 1993 and has reduced its work force to its lowest level since 1961. The agency has stepped up to the challenge and is accomplishing more while spending less. For example, NASA's new mission control saved millions of dollars by buying and using marketplace computers and technology. I believe NASA is an example that all agencies and departments should follow.

Since I have been in Congress, the space station has been extensively debated. Today, the redesigned station is less expensive and more capable. The new design saves \$5 billion in developmental costs, reduces annual operating costs by half, and expands the station's research capabilities. The space station will conduct valuable medical and technological research which can have great benefits for the future. In addition, the station is a cooperative project with Russia, Japan, Canada, and member nations of the European Space Agency. This project brings together the world's best and brightest scientists to work for solutions to problems here on Earth.

Congress should not turn its back on the future. It is imperative that America remains first in technological advancements. We need technology to move this country forward. NASA is a sound investment which can help facilitate new technological innovations and discoveries that will lead America into the 21st century.

CABLE AMENDMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MARKEY. Mr. Speaker, the Nation's cable monopolies are trying to persuade the Congress to dismantle the rate regulation rules that have saved consumers over \$3 billion since 1993.

They are trying to break free from consumer protection rules before competition arrives to offer Americans an affordable marketplace choice.

Cable consumers should be on red alert. What's in store for the American public if Congress goes along?

What is the cable industry offering consumers? Free remotes? Special discounts? Unlimited channels?

No. Although we might wish it were otherwise, without effective competition to give consumers a real choice, the cable industry is going to give us reruns.

Reruns of the hyper-inflationary rate hikes that were the norm before Congress reined in the monopolies.

Reruns of the exorbitant prices charged for equipment.

A rerun of the same horror story for the American consumer.

That's right. If cable consumers have a TV clicker in one hand, they better be holding onto their wallets with the other because the telecommunications bill moving through Congress is going to raise cable rates.

The House bill would lift all rate regulation on cable programming, either immediately on small systems—representing about 30 percent of consumers—or 15 months after the date of enactment for the rest of the country.

And when they're deregulated the cable monopolists will return to past practice and consumers will be forced to relive that past again.

Many cable operators will use their newfound freedom to charge exorbitant rates.

The new 18-inch Direct Broadcast Satellite dishes will not hold them back as long as it's a \$700 alternative.

And the telephone companies won't hold back cable rate hikes until they show up and start delivering the goods. And the cold reality is that no telephone company is currently offering cable service on a commercial basis in competition with a cable company.

In fact, a recent front page story in the Wall Street Journal made it clear that the phone companies aren't coming soon. The article stated that the Bell companies are unlikely to reach 25 percent of the country with a competing video service until well after the year 2000. The chairman of one of the Bell company's multimedia group stated that simply aiming at the 25-percent mark in the next 7 years would be "very optimistic."

The hooplah many of us heard as recently as a few months ago about a video world with over 500 channels being offered to millions of consumers by the end of the year is pure fantasy. The high technology hype has confronted engineering reality. The phone companies are still figuring out how to make the technology work.

To pretend, as H.R. 1555 does, that 15 months from now, this world will have suddenly changed to one of widespread delivery of commercially competitive cable service from a telephone company, is sheer folly.

As in any industry, the cable world has its share of bad actors. They will see their unregulated monopoly opportunities, and they will take them.

The blindly deregulatory provisions in the pending telecommunications bills will take us back to the recent past where from 1986 to 1989 the U.S. General Accounting Office found that, on average, the price of basic cable services rose more than 40 percent—3 times the rate of inflation over that time.

As most of you know, things got so bad that in 1992 Congress had to act. The current law already stipulates that when a cable company faces effective competition the cable company's rates are deregulated.

I believe we should stick with a competition-based telecommunications policy. Competition

offers consumers choice. Competition will bring lower prices. Competition will drive infrastructure development and innovation.

The Markey-Shays amendment will correct many of the anticonsumer, anticompetitive cable provisions of H.R. 1555.

The Markey-Shays amendment will allow cable operators flexibility in the rates they charge for cable programming services, but will restrain operators from engaging in rate gouging. The Markey-Shays amendment says that until a cable operator faces effective competition in the marketplace, that operator must charge reasonable rates.

Rates will be deemed unreasonable if they exceed, on a per channel basis, the percentage annual increase in the Consumer Price Index.

Again, these limitations on how high cable rates can go are temporary provisions. The Cable Act of 1992 already has put provisions in the law that state that when a competitor reaches 50 percent of the homes in a franchise area and 15 percent take that alternative, the incumbent cable operator's rates are deregulated.

H.R. 1555 also modifies the complaint threshold that must be met to review cable rates charged to ascertain whether they exceed legal limitations. The legislation requires that 10 consumers or 5 percent of all subscribers of a cable system, whichever is greater, must complain to the FCC to induce a rate proceeding. In other words, H.R. 1555 would require that in a cable system of 200,000 subscribers, that 10,000 consumers would have to complain.

This is absurd. Moving the complaint level to 5 percent of subscribers is a clear attempt to create an impossibly high threshold in order to insulate cable companies from provisions originally designed in the Cable Act of 1992 for consumer protection and empowerment.

Another anticompetitive provision in the bill is the repeal of prohibitions on predatory pricing.

Not only does H.R. 1555 prematurely deregulate cable monopolies, it contains provisions that would snuff out fledgling competitors before they can take wing in a community. It would allow cable monopolies to target unfairly a new competitor's customers for temporary lower prices and special offers. These lower prices and special offers to undercut a competitor would not be available to all subscribers in the cable systems' franchise areas. Rather, other subscribers would subsidize lower rates to undercut competitors. In this way, cable monopolies can crush competition in its cradle.

Nascent competitors, such as wireless cable systems and direct broadcast satellite [DBS] systems, would suffer greatly from this anticompetitive provision. H.R. 1555 would significantly thwart the ability of consumers to reap the benefits of competition in the form of greater choice, higher quality, and lower price, if section 202(g) is retained in the bill.

Not content simply to deregulate monopolies before competition arrives, H.R. 1555 frustrates, rather than promotes, the emergence of a competitive market. The current cable provisions constitute a glaring flaw in a bill whose ostensible purpose is to promote competition in the telecommunications marketplace.

The Markey-Shays amendment will retain the uniform pricing rules on cable operators.

Finally, the Markey-Shays amendment will scale back the sweeping definition of small cable system contained in the bill.

As I have mentioned before, the bill deregulates rates for cable programming services for so-called small cable systems immediately upon enactment. These are systems which largely serve rural America.

As a result, it will be consumers in rural America who see their cable rates rise first. H.R. 1555 deregulates any cable system which has less than 1 percent of all cable subscribers—approximately 600,000 subscribers—and is not affiliated with an entity that earns in excess of \$250 million in gross annual revenues.

According to the FCC, this provision would deregulate cable systems affecting 28.8 percent of all cable subscribers.

The Markey-Shays amendment would define small cable systems as those that directly serve fewer than 10,000 cable subscribers in its franchise area and have in aggregate less than 250,000 subscribers.

I believe that the cable provisions of H.R. 1555 go far astray of a competition-based telecommunications policy. They are opposed by the administration. They are opposed by consumer groups. They should be amended to protect consumers until competition arrives to offer an affordable marketplace choice.

MARKEY BROADCAST AMENDMENT

The drastic and indiscriminate elimination of mass media ownership rules proposed by this bill would eviscerate the public interest principles of diversity and localism. Instead, H.R. 1555 will concentrate great wealth and media power in the hands of a few. It allows for the concentration of television, radio, cable and newspaper properties in a way that will make Citizen Kane look like an underachiever.

The mass media provisions of H.R. 1555, which were adopted in the form of an amendment offered by Mr. STEARNS (R-FL), are sweeping in scope. The network duopoly rule is repealed. The broadcast-cable crossownership rule is repealed. The network-cable crossownership rule is repealed. The broadcast rule is repealed. The broadcast-newspaper crossownership rule is repealed. National limits on radio station ownership are repealed. Limits on local ownership of radio stations are also eliminated. The one-to-a-market rule is repealed, allowing for the creation of television duopolies in local markets. Finally, the national audience reach limitation for television networks is allowed to double from 25 percent of the country to 50 percent.

The aggregate effect of these changes are to move telecommunications policy back to the 1930's. They will encourage the rapid consolidation of mass media ownership in this country and the elimination of diverse sources of opinion and expression. They are a powerful toxin to democracy and a death knell for community control of its own media.

H.R. 1555 will ensure that mass media outlets increasingly became beholden to policies and programming originating in New York and Hollywood.

The bill encourages the hoarding of media power to truly nightmarish proportions; in a particular town one large company could control 2 TV stations, an unlimited number of

radio stations, the only newspaper in town, the town's only cable system, and in small towns the local phone company. Such control over the local media marketplace would give the owner a huge advantage in dictating the terms for advertising. More importantly, it also furnishes this local media potentate with dramatic power to influence coverage and public opinion on hundreds of issues of concern to the citizens of that local community.

The bill repeals local media cross-ownership rules between television stations, cable systems and newspapers, allows for unlimited AM and FM radio ownership on both the national and local levels, allows the national television networks to consolidate and to double their audience reach, and permits people to own 2 television stations within a community. Rather than promoting a forward-looking media policy for a 21st century economy, these provisions return us to the 1930's-era when there were very few media owners in most communities.

The current rules, which have successfully created a level of media diversity in this country that is the envy of the world, were not the sole creation of liberals. They were implemented on a bipartisan basis by both liberals and conservatives, Democrats and Republicans, to mitigate against media concentration and to promote competition and diversity.

Such media concentration was not a theoretical possibility. During the 1930's, NBC had a Red and a Blue television network. In 1941, the FDR administration barred dual network ownership and required NBC to divest itself of its Blue network. That network became the American Broadcasting Co. After waiting decades for the emergence of a fourth competing network (FOX), the House bill would allow FOX to buy CBS and permit NBC and ABC to merge back together again after a 50-year hiatus. This ill-advised proposal will lead to less choice, less diversity, less competition.

On the local level, powerful conglomerates in the 1960's and 1970's were amassing multiple ownership of media outlets. At the time, in the top 50 television markets (comprising 75 percent of the Nation's television homes), 30 markets had one of the local TV stations owned by a major newspaper in the same market. By 1967, some 76 communities had only one AM radio station and only one daily newspaper, with cross-ownership interests between the two. Fourteen communities had one AM radio station, one television station, and only one daily newspaper, all commonly owned. Moreover, in 1968 it was reported that the infant cable industry was already seeing a trend toward media concentration, with 30 percent of cable systems controlled by broadcasters.

Across the country, media moguls were assembling what was called a Royal Flush: one person or company would own a local television station, an FM station, an AM station, the daily newspaper and the cable system.

And who stepped in to implement rules to prevent the unhealthy accumulation of media power? Why, it was the Nixon and Ford Administrations that found the trend so disturbing they decided to take action. The Republican-led FCC in that era, reflecting main street, small town sensibility on media concentration issues, adopted restrictions on mass media ownership to further the twin goals of diversity and competition.

Now who is threatened by the communications cannibalism in media properties that would be unleashed by the current House proposal? Local television affiliates and independent TV stations, small radio stations with innovative but niche programming formats, family-run newspapers struggling to remain independent are endangered species in a new digital Darwinism where only the communications colossi can survive.

Every local town and hamlet runs the risk of becoming real life Pottersville, the mythical town that Jimmy Stewart prevented from existing in the 1946 classic "It's a Wonderful Life."

The House bill would allow for the aggregation of mass media power that far exceeds the Royal Flush in local markets. Such a historic public policy reversal poses grave repercussions for Democratic Government. Since the time of Jefferson, access to a diversity of information and opinions on the important issues of the day was considered essential to the workings of democracy.

In an era when we are searching for ways to break down monopolies and provide consumers with greater choice, the telecommunications bill returns us to a bygone era and resurrects the possibility that the emerging multimedia milieu will be dominated by a few communications cartels.

My amendment addresses two key issues in the bill.

REPEAL OF THE BROADCAST-CABLE CROSSOWNERSHIP RULE

This rule prevents TV-cable combinations within local markets. Adopted by the FCC during the Nixon administration, this rule helps to protect fair competition in the local media marketplace and safeguards diversity in mass media outlets within local communities. Simply put, this rule prevents a cable system from acquiring a local TV station in the same city.

Television broadcasters today rely upon so-called must carry rules to ensure their carriage on local cable systems. These rules are currently subject to litigation in the courts.

If the court invalidates these rules, the broadcast-cable crossownership repeal contained in H.R. 1555 could have adverse consequences. For example, if a cable company has a financial interest in one of the TV stations within the local market (or 2 TV stations if it is one of the new local duopolies permitted by H.R. 1555), some or all of the remaining broadcasters may be refused carriage or discriminated against in such carriage. Without safeguards, repeal of this rule would allow a local cable system-local television combination to utilize the bottleneck of cable system access to stifle media voices and distort the advertising market.

Yet even without any judicial decision with respect to the status of must carry obligations, repeal of this rule will have anticompetitive consequences. H.R. 1555 does not extend must carry rights to any new channels offered by broadcasters. In developing new section 336 of the Communication Act of 1934, the authors of H.R. 1555 stipulate that if the Commission decides to award additional licenses for advanced television services, the supplementary services or channels that a broadcaster may develop utilizing digital compression are not granted must carry rights on cable systems.

Although numerous broadcasters in a locality might be using digital compression technology to create 3, 4, or 5 additional TV channels each, the cable system is not obligated to carry these additional channels. This is a competitively neutral provision only if all the local television stations are treated by the cable system in similar fashion.

With repeal of the broadcast-cable crossownership rule, however, the local cable system could immediately favor the television station in which it had a financial interest. The cable system could do this simply by carrying the additional or supplementary channels and services of that TV station and denying such opportunity to the other broadcasters within the same community.

DEREGULATION OF THE NATIONAL TV AUDIENCE REACH LIMITATION

The bill would lift the current cap limiting television networks to 25-percent coverage of the Nation to 35 percent immediately. It would then be lifted to 50 percent 1 year later.

I believe that the relationship between networks and television affiliates has served our country well. H.R. 1555 does more than tip the balance between TV networks and their affiliates toward the networks. It completely disrupts that balance.

Local broadcasters in communities across the country are fighting to remain local broadcasters in this legislation. Increasing the national audience caps to 50 percent puts localism in jeopardy. The doubling of the audience cap will hurt diversity.

The nature of the network-affiliate relationship today is that networks must count on their affiliates to air national programming while affiliates count on the networks to provide national news, sports and entertainment to add to a mix of local news and independently-produced programming. Tilting the balance too much toward the networks will create a concentration of nationally-produced programming and a corresponding loss of locally-oriented programming.

If networks can own stations that cover the largest markets in the country, we lose the tradition—and the capability—of having local affiliates pre-empt network programming to bring viewers important local news, public interest programming, and local sports. As Ed Reilly, president of McGraw Hill Broadcasting Co. said in testimony before the Committee: A network-owned station almost never pre-empts a network program to cover a local sports event or to air a local charity telethon.

Because American society is built upon local community expression, the policy favoring localism is fundamental to the licensing of broadcast stations. Localism permits broadcasters to tailor their programming to the needs and interests of their communities. Moreover, as trends toward national homogenization of the media grow—for example, cable channels and direct broadcast satellite service—localism increases in importance. Expansion of national media outlets increases the need for local media outlets with the locally ubiquitous reach of broadcast television stations.

In short, relaxation of the national audience caps is an anti-competitive proposal. Deregulation of the audience cap will intensify concentration in the hands of the vertically-integrated, national television networks. Once they

are permitted to gobble up additional local stations, these mega-networks will have an increased ability to sell national advertising by controlling local distribution.

No one will argue that, in general, it is not more efficient to simply make local broadcast stations passive conduits for network transmissions from New York. Localism is an expensive value. We believe it is a vitally important value, however, and like universal service, it is a principle of communications policy rooted in the Communications Act of 1934. It should be preserved and enhanced as we reform our laws for the next century.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 1, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 2

9:00 a.m.

Governmental Affairs

To hold hearings on the nominations of Jacob J. Lew, of New York, to be Deputy Director of the Office of Management and Budget, Jerome A. Stricker, of Kentucky, and Sheryl R. Marshall, of Massachusetts, each to be a Member of the Federal Retirement Thrift Investment Board, William H. LeBlanc III, of Louisiana, to be a Commissioner of the Postal Rate Commission, and Beth Susan Slavet, of Massachusetts, to be a Member of the Merit Systems Protection Board.

SD-342

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior; to be followed by hearings to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.

SD-366

Finance

Social Security and Family Policy Subcommittee

To hold hearings on the impact of privatization proposals on the Social Security

Old Age and Survivors Insurance Trust Fund.

SD-215

Governmental Affairs

Post Office and Civil Service Subcommittee

To hold hearings to review the annual report of the Postmaster General.

SD-342

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on proposed legislation authorizing funds for the Administrative Conference.

SD-226

Labor and Human Resources

Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers, S. 593, to authorize the export of new drugs, and proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act.

SD-430

Indian Affairs

To hold oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).

SR-485

Select on Intelligence

To hold hearings to examine war crimes in the Balkans.

SD-106

Special on Special Committee

To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH-216

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To resume oversight hearings on implementation of section 404 (relating to wetlands) of the Clean Water Act.

SD-406

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine Iraqi atrocities against the Kurds.

SD-419

2:30 p.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold hearings to examine the Dual Use Export Control Program.

SD-538

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).

SR-253

3:30 p.m.

Appropriations

Transportation Subcommittee

Business meeting, to mark up H.R. 2002, making appropriations for the Depart-

ment of Transportation and related agencies for the fiscal year ending September 30, 1996.

S-128, Capitol

AUGUST 3

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Jill L. Long, of Indiana, to be Under Secretary of Agriculture for Rural Economic and Community Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR-332

Environment and Public Works

Drinking Water, Fisheries, and Wildlife Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on incentives for the conservation of endangered species and the role of habitat.

SD-406

9:30 a.m.

Special on Aging

To hold hearings to examine Medicare health maintenance organization (HMO) programs and whether the Health Care Financing Administration is doing enough to ensure that patients receive high quality care when they enroll in such programs.

SD-628

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH-216

10:00 a.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine United Nations sanctions and Iraqi compliance.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

AUGUST 4

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for July.

SD-562

10:00 a.m.

Appropriations

Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

SD-192

AUGUST 9

AUGUST 10

POSTPONEMENTS

9:30 a.m.
Energy and Natural Resources
 To hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities. SD-366

Indian Affairs
 Business meeting, to consider pending calendar business. SR-485

2:00 p.m.
Judiciary
 To hold hearings to examine United States Sentencing Commission's cocaine sentencing policy. SD-226

AUGUST 1
 2:00 p.m.
Foreign Relations
 To hold hearings on the drug trade in Mexico and implications for U.S.-Mexican relations. SD-419