

SENATE—Monday, November 6, 1995

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of the nations of the world, today we share a profound grief with Israel and all peace-loving people at the slaying of Prime Minister Yitzhak Rabin. Just a few days ago, here in the rotunda of the Capitol, we heard him speak of his commitment to peace as we celebrated the 3,000th anniversary of the city of Jerusalem. Only a few days before that we saw him sign the peace agreement and seal it with a historic handshake with Yasser Arafat at the White House. All of this was the fruit of his efforts in the negotiations at Oslo and subsequently his leadership in the 1993 agreement with the Palestinians. Oh God, this great and gracious man defied the risks and faced the dangers of being a peacemaker among his own people and in the Middle East. All because of the mandate for peace. You placed as a passion in his heart.

We abhor the violent, radical fanaticism that would viciously motivate a countryman to cause Rabin's untimely death. Now Lord, we ask You to stay the evil hand of terrorism in our time. We pray for the peace of Jerusalem, for Shimon Peres as he becomes acting Prime Minister, for President Clinton, and Secretary of State Christopher as they seek to stabilize the implementation of the peace agreement, may they be encouraged by our support. Oh, Jehovah Shalom, fill our hearts and minds with Your peace as we commit ourselves anew to be peacemakers. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today there will be a period for the transaction of morning business not to extend beyond the hour of 1 p.m.

Following morning business, the Senate is expected to consider a resolution in honor of Israeli Prime Minister Rabin.

There will be no rollcall votes today.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go," as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that is \$27 billion away from \$5 trillion.

To be exact, as of the close of business Friday, November 3, the total Federal debt—down to the penny—stood at \$4,984,800,213,988.31. This figure is approximately \$27 billion away from \$5 trillion. Another depressing figure means that on a per capita basis, every man, woman, and child in America owes \$18,922.39.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GORTON). In my capacity as a Senator from the State of Washington, I ask unanimous consent that further proceedings under the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks unanimous consent that the Senate now stand in recess until the hour of 12:30 p.m.

There being no objection, the Senate, at 11:24 a.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRAIG).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for Mr. DOLE (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. HELMS, Mr. PELL, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUDD, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Con. Res. 31. A concurrent resolution honoring the life and legacy of Yitzhak Rabin; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1250

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1250, a bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

SENATE CONCURRENT RESOLUTION 31—HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. LOTT (for Mr. DOLE, for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. HELMS, Mr. PELL, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN,

Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until his assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people;

Whereas on November 4, 1995 Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) Condemns the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms;

(2) Extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) Expresses its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) Expresses its support for the government of Acting Prime Minister Shimon Peres;

(5) Reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(6) That when the Senate completes its business today, it stand adjourned as a further mark of respect in honor of the late Yitzhak Rabin, and

(7) Directs, the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

ADDITIONAL STATEMENTS

HONORING SOUTH CAROLINA EDUCATORS

• Mr. HOLLINGS. Mr. President, I would like to take this opportunity to pay tribute to three outstanding South Carolina teachers: Barbara Weston, Abraham Funchess and Jeanne Sink. Recently, they were recognized by the Milken Family Foundation of California for outstanding work in their South Carolina classrooms.

Barbara Weston is a 20-year educator who now teaches at the Five Points School in Columbia. This school is an alternative program designed to prevent students from dropping out of high school. It is at that school that Mrs. Weston has taken on the role of teacher, counselor, and mentor with relish.

The school is small—just 50 students. And Barbara Weston knows them all by name—and more. She exchanges phone numbers with parents of her students and encourages contact. As her students have learned, it is hard to get away with nonsense when your teacher knows your parents and knows how to find you.

Barbara Weston, a native of South Carolina who was raised in Eastover, teaches English. Her students say she is a caring teacher who lives by the creed: "There's nothing you can't do." You cannot expect much more of a teacher than that. The Milken Foundation is not the first to recognize her achievements. Last year, she was named the Richland District I Teacher of the Year and was a State finalist for the South Carolina Teacher of the Year Award.

Mrs. Weston, a graduate of South Carolina State College, is married to Samuel Weston and they have two sons.

Mr. President, Abraham Funchess is a sixth-grade science teacher at John Ford Middle School in St. Matthews, the town where he was born, raised, and educated.

Mr. Funchess has been a fixture in the education system of Calhoun County for 28 years. He has touched the lives of thousands of children there. He

teaches them the joys of nature in his outdoor laboratory where students plant a garden and watch it grow. On other occasions, they uncover the mysteries of the forest's sights and sounds during nearby nature walks.

In the classroom, Mr. Funchess guides his students through laboratory experiments and watches their excitement as they compare answers with students in other cities through a link-up on the Internet.

"I don't teach books; I teach students," is the way Mr. Funchess describes his teaching philosophy. His is a hands-on teaching style that shows every student the joy of learning. There is a motto in large letters above his chalkboard that says: "I see; I hear; I forget. But when I do, I understand." It is a motto Mr. Funchess has embraced and one for which his students are thankful.

Abraham Funchess has been named Teacher of the Year at John Ford Middle School for the past 2 years. He received his undergraduate degree at South Carolina's Claflin College and his master's at South Carolina State. He also has served on the State Board of Education. Mr. Funchess is married to the former Bernice Legette of Rains, SC, and they have three children.

Mr. President, last but certainly not least, we recognize Jeanne Sink—a teacher at St. Andrews Parish High School in Charleston where my wife Peatsy used to teach.

Mrs. Sink teaches a subject that was not around when I was in high school. She guides students through the world of technology. As we move into the 21st century, this is certainly a subject that our students need to understand, and no one explains it better than Jeanne Sink.

She teaches all kinds of practical technology lessons. Gone are the old days of written reports. In Jeanne Sink's class, students learn how to give multimedia presentations. They have become pros with today's computer systems and use sophisticated programs to scan pictures, add sound and type in text. The presentations they give are polished and to the point.

Students in Mrs. Sink's class also employ their technology lessons to publish the school newspaper on the Macintosh. As such, they are able to practice their English, grammar, journalism, and computer skills all at once. Mrs. Sink also teaches special classes for students with a history of academic difficulties and has piloted a program to work closely with students who have been expelled and are enrolled at other schools.

Mrs. Sink has been teaching for 17 years and credits the kudos she has received to her philosophy that all students can be successful. Her students have not always had great academic track records, but she does not let that discourage her—or them. She tries to

turn them on to education by showing them affection, respect, and lots of patience.

It should come as no surprise to learn that Jeanne Sink has been named South Carolina Teacher of the Year and has won several other teaching awards. She received her undergraduate and graduate degrees at the College of Charleston. She and her husband Eddie have three children.

Mr. President, these three teachers demonstrate the incredible impact that committed teachers can have. Combined, they have 64 years of classroom experience and have made a tremendous contribution to South Carolina. I appreciate this opportunity to express my respect and gratitude and to wish them all the best. ●

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Due to a printing error, the RECORD of November 2 contains incorrect text, upon passage, of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes. The permanent RECORD will be corrected to reflect the following text.

Resolved, That the bill from the House of Representatives (H.R. 2546) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

FISCAL YEAR 1996 APPROPRIATIONS FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$150,721,000 and 1,465 full-time equivalent posi-

tions (end of year): Provided, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That \$29,500,000 is used for a pay-as-you-go capital project of which \$28,000,000 is available to develop and implement a new financial management information system and \$1,500,000 is available for a needs assessment study: Provided further, That the District of Columbia Financial Responsibility and Management Assistance Authority shall have given prior approval to the work plan and procurement documents for necessary hardware and software before work on phase 3, as described in the Authority's August 15, 1995 report, is begun.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$142,711,000 and 1,692 full-time equivalent positions (end-of-year): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$960,747,000 and 11,544 full-time equivalent positions (end-of-year): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the

professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, That \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National

Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$800,080,000 and 11,670 full-time equivalent positions (end-of-year), to be allocated as follows: \$585,956,000 and 10,167 full-time equivalent positions for the public schools of the District of Columbia; \$109,175,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; \$81,940,000 and 1,079 full-time equivalent positions for the University of the District of Columbia; \$20,742,000 and 415 full-time equivalent positions for the Public Library; \$2,267,000 and 9 full-time equivalent positions for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, \$1,859,622,000 and 6,469 full-time equivalent positions (end-of-year): Provided, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$297,568,000 and 1,914 full-time equivalent positions (end-of-year): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER TRANSFER PAYMENT

For the Washington Convention Center Fund, \$5,400,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$257,787,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)).

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

For repayment of interest on short-term borrowing, \$9,698,000.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of \$46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), \$4,563,000: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1995 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, \$19,000,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under

the various headings in this Act in the amount of \$500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

If a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: Provided, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of \$16,000,000 within one or several of the various appropriation headings in this Act.

OUTPLACEMENT

For outplacement \$1,500,000.

CAPITAL OUTLAY

For construction projects, \$82,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That \$105,660,000 appropriated under this heading in prior fiscal years is rescinded.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$243,853,000 and 1,024 full-time equivalent positions (end of year), of which \$41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the Fiscal Year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$229,950,000 and 88 full-time equivalent positions (end of year), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,351,000 and 8 full-time equivalent positions (end of year), of which \$572,000 shall be transferred to the General Fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, \$6,580,000 for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by the Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$115,034,000, of which \$56,735,000 shall be derived by transfer from the general fund.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board and 11 full-time equivalent positions (end of year): Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$10,516,000 and 66 full-time equivalent positions (end of year).

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,500,000.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$37,957,000, of which \$5,400,000 shall be derived by transfer from the general fund.

PERSONAL SERVICES ADJUSTMENT

The Mayor, in consultation with the Council and the District of Columbia Financial Responsibility and Management Assistance Authority, shall reduce appropriations and expenditures for personal services costs in the amount of \$11,264,000 within one or several of the various appropriations headings in this Act.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, ex-

cept where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the

Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the

highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-152; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1995" and inserting "sold before October 1, 1996".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration or-

ders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 129. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 130. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 131. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title II, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) Section 433(b)(5)(title II, App. 433) is amended to read as follows:

"(5) Member of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 calendar days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved."

CALCULATED REAL PROPERTY TAX RATE

RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year."

(B) A new subsection (a-2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994."

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not for-profit organizations" in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, ARC, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and ARC within each responsibility center, for appropriated funds, nonappropriated funds, and capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and ARC, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and ARC; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENT—UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and

Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for appropriated funds, nonappropriated funds, and capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 140. None of the Federal funds appropriated under this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

ANNUAL REPORTING REQUIREMENTS

SEC. 141. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 142. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other than personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

BUDGET APPROVAL

SEC. 143. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 144. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 145. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this Act in meeting the maximum ceiling of 39,778 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant

position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides.

CAPITAL PROJECT EMPLOYEES

SEC. 146. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council and the Committees on Appropriations of the Senate and House of Representatives a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 147. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1.603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students."

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools."

(b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)) is amended as follows:

(1) By striking the semicolon at the end of subparagraph (L).

(2) By adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

(c) Section 2402 (D.C. Code, sec. 1-625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

SEC. 148. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from non-school based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency."

(b) A new section 2406 is added to read as follows:

"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

"(1) An employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

"(1) Four years for an employee who qualified for veteran's preference under this Act, and

"(2) Three years for an employee who qualified for residency preference under this Act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section."

DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOSPITAL FOR WOMEN FOR NATIONAL WOMEN'S HEALTH RESOURCE CENTER

SEC. 150. Effective as if included in the enactment of Public Law 103-67, section 1(c)(1) of Public Law 103-67 (107 Stat. 687) is amended by striking "1 year" and inserting "3 years".

This title may be cited as the "District of Columbia Appropriations Act, 1996".

TITLE II—DISTRICT OF COLUMBIA SCHOOLS IMPROVEMENT ACT

Subtitle A—Establishment and Organization of Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 201. DEFINITIONS.

For purposes of this subtitle—

(1) COMMISSION.—The term "Commission" means the Commission on Consensus Reform in the District of Columbia Public Schools.

(2) BOARD OF EDUCATION OR BOARD.—The term "Board of Education" or "Board" means the Board of Education of the District of Columbia.

(3) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority.

(4) EDUCATIONAL PLAN.—The term "Educational Plan" means the System-Wide Educational Reform Goals and Objectives Plan developed and implemented under this Act.

(5) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(6) COUNCIL.—The term "Council" means the Council of the District of Columbia.

SEC. 202. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate;

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives;

(C) 2 members to be appointed by the President, 1 who shall represent the local business community and 1 who is a teacher in the District of Columbia public schools.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the District of Columbia Board of Education.

(F) The Superintendent of Public Schools of the District of Columbia.

(G) The Mayor and Council Chairman shall each name one non-voting ex-officio member.

(H) The Chief of the National Guard Bureau who shall be an ex-officio member.

(3) **TERMS OF SERVICE.**—The members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall appointed for a term of 3 years.

(4) **VACANCIES.**—Any vacancy in the membership of the Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) **QUALIFICATIONS.**—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be city residents with a knowledge of education.

(6) **CHAIR.**—The chair of the Commission shall be chosen by the Commission from among its members, except that the President of the Board of Education and the Superintendent of Public Schools shall not be eligible to serve as chair.

(7) **NO COMPENSATION FOR SERVICE.**—Members of the Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Commission.

(b) **EXECUTIVE DIRECTOR.**—The Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Commission. The Executive Director shall be paid at a rate determined by the Commission, except that such rate may not exceed the highest rate of pay payable for level EG16 of the Educational Service.

(c) **STAFF.**—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) The Board shall reprogram such funds, as the chairman of the Commission shall in writing request, from amounts available to the Board.

SEC. 203. GENERAL POWERS.

(a) **IN GENERAL.**—The Commission shall have the following powers:

(1) Financial control over the District of Columbia public schools exercised through the Authority.

(2) To approve and monitor the development and implementation of the Board's Educational Plan.

(3) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the Board's Educational Plan.

(4) To promulgate rules concerning the management and direction of the Board, as deemed necessary, to address obstacles to the development or implementation of the Educational Plan.

(b) **LIMITATION.**—Except as otherwise provided in this subtitle, the Commission shall have no powers to involve itself in the management or operation of the Board in the implementation of the Educational Plan.

SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) **BOARD PLAN.**—The Board shall develop, adopt, and submit to the Commission on or before March 1, 1996, a System-Wide Educational Reform Goals and Objectives Plan with respect to the 1996-1997 school year. Thereafter, the Board shall develop, adopt and submit to the Commission on or before March 1 of each year an Educational Plan for the coming school year. The Board shall have an Educational Plan for every year.

(b) **COMMISSION APPROVAL.**—The Commission shall approve or reject, in whole or in part, the Educational Plan submitted to it by the Board within 30 days of its receipt. No Educational

Plan shall have force or effect without approval of the Commission.

(c) **DEVELOPMENT AND CENTERS FOR APPROVAL PLAN.**—Each Educational Plan shall be developed, submitted, approved, and monitored in accordance with the following procedures:

(1) Each Educational Plan shall include specific provisions designed to accomplish the following objectives and reflect the cumulative effect of the Local School Restructuring Team (LSRT) in terms of student needs, financial requirements, and timeliness for implementation:

(A) To ensure, to the extent possible with available categorical funds designated for this purpose, the provision of education services to all eligible children for the 1997-1998 school year and thereafter.

(B) To increase the level of parental involvement in the education of their children.

(C) To enhance the range of authority, responsibility, and accountability of principals.

(D) To restructure the relationship of the Board and its administrative staff to local schools so that the relationship is characterized by less centralized control.

(E) To ensure that all personnel have access to appropriate training opportunities.

(F) To ensure the provision of sufficient staff and facility resources for compliance with court orders.

(G) To ensure the equitable distribution among the schools and programs of funds budgeted by the Board in accordance with applicable laws, rules and regulations.

(H) To ensure that more schools are given the opportunity to operate with more autonomy.

(I) To ensure a new, fair, demanding evaluation process and more and better opportunities for teacher preparation.

(J) To generate a sense of urgency in the business and philanthropic community and enlist them in targeted support for very particular, concrete school reform goals.

(K) To address the school governance issue, and to recommend, within 1 year from the date of the appointment of the members of the Commission constituting a quorum, to the Council, the Mayor, and the relevant committees of the Congress an alternative to the current structure that will eliminate the division of responsibility and accountability among the Board of Education, the District Council and the Mayor.

(2) Each Educational Plan shall include specific provisions to ensure the best possible utilization of public school space, including provisions—

(A) to prepare a plan for adaptive reuse of schools and consolidation;

(B) to develop a five-year capital improvement plan to carry out an approved facilities master plan which provides for a system-wide modernization of public schools;

(C) to institute management systems to support the implementation of the capital plan, in consultation and cooperation with the Mayor and Authority; and

(D) to identify and develop revenue sources for the approved capital improvement plan.

SEC. 205. ELEMENTS OF THE SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) **PLAN GOALS.**—Each Educational Plan shall contain a detailed description, including estimates of financial costs and expected dates of completion, of—

(1) the Board's school reform goals and objectives;

(2) the Board's strategy for implementing its school reform goals and objectives;

(3) the Board's plans and strategy for implementing applicable District laws enacted to affect school reform;

(4) the Board's strategy for developing and implementing district-wide guidelines, rules, and

procedures with respect to local school decision making as provided by applicable District law enacted as part of any school reform legislation;

(5) the Board's goals and objectives for the 2-year period subsequent to the school year for which the Educational Plan applies, as prescribed by the Commission; and

(6) such other information and detail as may be prescribed by the Commission.

(b) **STANDARDS AND PROCEDURES.**—The Commission may prescribe any reasonable time, standards, procedures, or forms for preparation and submission of the Educational Plan.

(c) **APPROVAL CRITERIA.**—The Commission shall approve an Educational Plan submitted by the Board if, in the Commission's judgment, the Educational Plan is—

(1) complete;

(2) reasonably capable of being achieved;

(3) supported by demonstrably sufficient and available funding;

(4) responsive to any Commission directives or requirements;

(5) consistent with applicable District laws enacted to affect school reform; and

(6) reasonably capable of achieving substantial progress toward improving the educational achievement of the students and is consistent with the Bringing Educational Services to Students (BESST) agenda, the District of Columbia Reform Agenda, and the District of Columbia Public Schools Goals 2000 Plan.

(d) **REJECTION AND REVISION.**—If the Commission rejects an Educational Plan submitted by the Board, the Commission may prescribe a procedure and standards for revision and resubmission of the Educational Plan by the Board. If, within 60 days after the Commission notifies the Board of the Commission's rejection of the Board's Educational Plan and of the procedures and standards for revision and resubmission, the Board fails to approve and resubmit a revised plan acceptable to the Commission, the Commission may make revisions and adopt a final Educational Plan and direct the Superintendent to implement.

(e) **REPORTING REQUIREMENTS.**—The Board shall report to the Commission, at such times and in such manner as the Commission may direct, concerning the Board's implementation of each approved Educational Plan. The Commission may review the Board's operations, obtain educational and financial data, require the Board to produce reports, and have access to any other information in the possession of the Board that it deems relevant. The Commission may issue recommendations or directives within its powers to the Board for the implementation of the approved Educational Plan. The Board shall produce such reports and other information and comply with such directives.

(f) **NOTICE OF MODIFICATION.**—After approval of each Educational Plan, the Board shall promptly notify the Commission of any material change in any matter contained in the approved Educational Plan. The Board may submit to the Commission or the Commission may require the Board to submit, a modified Educational Plan based upon revised information. The Commission shall approve or reject each modified Educational Plan pursuant to subsection (c).

SEC. 206. CONSISTENCY WITH SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) **LIMITS ON CONTRACTING.**—The Board shall not enter into any contract, agreement, or other obligation unless it is consistent with the Educational Plan in effect.

(b) **COMMISSION AUTHORITY OVER CONTRACTING.**—The Commission shall have no power to impair any existing contract or obligation of the Board; except, however, that the Commission may direct the Board to modify or amend the Board rules or policies that the Commission

deems necessary to facilitate development or implementation of the Educational Plan.

(c) **REVIEW OF CONTRACTS.**—The Commission may request that the Authority review proposed or existing contracts or leases pursuant to section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 118).

SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.

The Commission may examine and audit records of the Board or require the Board to examine and audit its records at such time and in such manner as the Commission may prescribe to assure, monitor, and evaluate the performance of the Board with respect to compliance with an approved Educational Plan and its overall educational achievement. The Commission shall conduct an annual audit of the educational performance of the Board with respect to meeting the goals of the Educational Plan for such year. The audit technique, content, and procedures shall be determined by the Commission. The Board shall cooperate and assist in the audit as requested by the Commission.

SEC. 208. INVESTIGATIVE POWERS.

The Commission may investigate any action or activity which may hinder the progress of any part of an approved Educational Plan. The Board shall cooperate and assist the Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board, Superintendent of the District of Columbia Public Schools, the Mayor, the Council, the Authority, the Committees on Appropriations of the Senate and House of Representatives.

SEC. 209. RECOMMENDATIONS OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission may at any time submit recommendations to the Board, Mayor, the Council, and the Congress on actions the District government or the Federal Government should take to ensure implementation of the approved Educational Plan.

(b) **RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF THE BOARD OF EDUCATION.**—

(1) **IN GENERAL.**—In the case of any recommendations submitted under subsection (a) which are within the authority of the District of Columbia government to adopt, not later than 90 days after receiving the recommendations, the Board, shall submit a statement to the Commission which provides notice as to whether the Board will adopt the recommendations.

(2) **IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.**—If the Board notifies the Commission under paragraph (1) that the Board will adopt any of the recommendations submitted under subsection (a), the Board shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Board has adopted the recommendation; and

(B) a schedule for auditing the Board's compliance with the plan.

(3) **EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.**—If the Board notifies the Commission under paragraph (1) that the Board will not adopt any recommendation submitted under subsection (a) which the Board has authority to adopt, the Board shall include in the statement explanations for the rejection of the recommendations.

(4) **COMMISSION REACTION TO NONRESPONSE FROM BOARD OR REJECTION OF RECOMMENDATION.**—(A) In the instance where there is no response from the Board at the end of 90 days the Commission shall immediately notify, including the written recommendation submitted under subsection (a) to the Board, the other elements of the District of Columbia government and the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and

Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(B) The Commission may then direct the Superintendent to carry out such recommendation.

SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC SCHOOLS.

(a) Notwithstanding any other provision of law, the Board shall notify the Commission within 10 days of the occurrence of a vacancy in the Superintendent of Public Schools.

(b) Upon receipt of the notice described in (a) the Commission shall, as soon as is practicable, conduct a search for candidates for the office of Superintendent of Public Schools and submit the names of 3 candidates to the Board.

(c) Within 30 days of the receipt of the names described in (b) the Board shall choose one to be the Superintendent of the District of Columbia Public Schools.

SEC. 211. IMPROVING ORDER AND DISCIPLINE.

(a) **DRESS CODE.**—

(1) **IN GENERAL.**—Not later than the first day of the 1996-1997 school year, the Commission shall develop and implement, through the Board of Education and the Superintendent of Schools, a uniform dress code for the District of Columbia Public Schools.

(2) **CONSIDERATIONS.**—The dress code—

(A) shall include a prohibition of gang membership symbols;

(B) shall take into account the relative costs of any policy for each student; and

(C) may include a requirement that students wear uniforms.

(b) **COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.**—

(1) **IN GENERAL.**—Any student suspended from classes at a District of Columbia Public School who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) **EFFECTIVE DATE.**—This subsection shall take effect beginning on the first day of the 1996-1997 school year.

(c) **EXPIRATION DATE.**—This section and the membership provided in section 202(a)(2)(H) shall expire on the last day of the 1997-1998 school year.

(d) **REPORT.**—The Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in schools and report its findings to the appropriate committees of Congress 60 days before the last day of the 1997-1998 school year.

SEC. 212. EXPIRATION DATE.

This subtitle shall expire on September 30, 2016.

Subtitle B—Charter Schools

SEC. 213. PURPOSE.

The purpose of this subtitle is to permit the District of Columbia to establish charter schools to improve the education of students and encourage community involvement in education.

SEC. 214. DEFINITIONS.

For purposes of this subtitle—

(1) **CHARTER SCHOOL.**—The term "charter school" means a public school that—

(A) operates under a charter granted for a period of 5 years by the Commission on Consensus Reform in the District of Columbia Public Schools or the Board of Education of the District of Columbia and functions independently of the D.C. Public Schools as a local education agency and is exempted from significant local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to other requirements under this subtitle;

(B) is created by a developer as a public school, or is adapted by a developer from an ex-

isting public school, or an existing non-public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) is governed by a Board of Trustees;

(H) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(I) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(J) agrees to comply with the same Federal and District of Columbia audit requirements as do other elementary and secondary schools in the District of Columbia, unless such requirements are specifically waived for the purpose of this program; and

(K) meets all applicable Federal and local health and safety requirements.

(2) **DEVELOPER.**—The term "developer" means an individual or group of individuals (including a public or private organization) which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) **ELIGIBLE APPLICANT.**—The term "eligible applicant" means an authorized public chartering agency participating in a partnership with a developer to establish a charter school.

(4) **PUBLIC CHARTERING AGENCY.**—The term "public chartering agency" means the Commission on Consensus Public School Reform and the District of Columbia Board of Education.

SEC. 215. APPLICATION.

(a) **IN GENERAL.**—A petition for a public school charter shall be a written proposed agreement between an eligible applicant seeking to establish a public charter school and an eligible chartering agency.

(b) **CONTENTS OF APPLICATION.**—The application shall contain—

(1) a description of the objectives of the local educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the local educational agency to inform teachers, parents, and communities of the local educational agency's charter school grant program;

(2) a description of how the program will enable all students to meet challenging student performance standards as established by the local educational agency;

(3) the grade levels or ages of children to be served;

(4) the curriculum and instructional practices to be used;

(5) a description as to how the charter school will be managed;

(6) a description of the charter school's objectives and the methods by which the charter school will determine its progress toward achieving those objectives;

(7) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(8) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(9) a request and justification for waivers of any Federal statutory or regulatory provisions

that the applicant believes are necessary for the successful operation of the charter school, and a description of any local rules, generally applicable to public schools, that will be waived for, or otherwise not apply, to the school;

(10) a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school; and

(11) an assurance that the eligible applicant will annually provide the Secretary of Education, the Congress, and the local educational agency such information as may be required to determine if the charter school is making satisfactory progress.

SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.

Charter schools shall be selected by the public chartering agency by taking the following factors into consideration:

(1) The quality of the proposed curriculum and instructional practices.

(2) The degree of flexibility afforded by the local educational agency.

(3) The extent of community support for the application.

(4) The ambitiousness of the objectives for the charter school.

(5) The quality of the strategy for assessing achievement of those objectives.

(6) The likelihood that the charter school will meet those objectives and improve educational results for students.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency of the District of Columbia for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

SEC. 303. PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24 hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

The PRESIDING OFFICER. The Republican whip.

HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. LOTT. Mr. President, on behalf of Senators DOLE and DASCHLE, I send to the desk a concurrent resolution in honor of Israeli Prime Minister Yitzhak Rabin, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) honoring the life and legacy of Yitzhak Rabin:

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until his assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people;

Whereas on November 4, 1995 Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) Condemns the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms;

(2) Extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) Expresses its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) Expresses its support for the government of Acting Prime Minister Shimon Peres;

(5) Reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(6) That when the Senate completes its business today, it stand adjourned as a further mark of respect in honor of the late Yitzhak Rabin; and

(7) Directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. If there is no objection, the concurrent resolution and the preamble are agreed to.

So the concurrent resolution (S. Con. Res. 31), with its preamble, was agreed to.

Mr. LOTT. Mr. President, I would like to take a moment to comment on the concurrent resolution that has just been adopted, and I do want to emphasize that all Senators' names will be added as cosponsors and additional remarks can be placed in the RECORD until 2 o'clock today.

The world truly was shocked by the brutal assassination of Israeli Prime Minister Rabin late last Saturday in Tel Aviv. As Israel's greatest war hero and architect of the stunning Israeli victory in the 1967 war, Rabin was instrumental in turning Israel into a world-class military power that was in a position to serve as America's foremost ally in the crucial Middle East.

His equally impressive, and perhaps more important, contributions as peacemaker during his two terms as Prime Minister from 1974 to 1977 and 1992 to 1995—the disengagement agreement with Egypt in 1975; the Oslo I, Gaza-Jericho, and Oslo II agreements with the PLO in 1993 to 1995; and the peace treaty with Jordan in 1994—helped stabilize the Middle East and strengthen America's position in the region.

And by ordering the rescue operation in Entebbe on America's bicentennial, Rabin dealt a heavy blow to international terrorism from which the United States greatly benefited.

During the last 3 years, Rabin brought the United States-Israeli relationship to unprecedented heights. At his meeting with President Bush in Kennebunkport and at several meetings with President Clinton, he established extremely close relations with the two Presidents and their most senior aides.

In all spheres—political, military, and economic—the relationship has blossomed like never before.

Prime Minister Rabin will be remembered as a peacemaker. He expressed his vision of peacemaking when he spoke to a joint meeting of Congress on July 26, 1994:

I have come from Jerusalem in the name of our children, who began their lives with great hope and are now names on graves and memorial stones, old pictures in albums, fading clothes in closets. Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish Memorial Prayer, ringing in my ears are the words of [Archibald] MacLeish who echoes the plea of the young dead soldiers:

"They say: We leave you our deaths. Give them their meaning."

Let us give them meaning. Let us make an end to bloodshed. Let us make true peace. Let us today be victorious in ending war.

Prime Minister Yitzhak Rabin truly was a warrior who became a warrior for peace. "Blessed are the peacemakers, for they shall inherit the Earth."

Mr. HATCH. Mr. President, an assassin's gun silenced a great man this weekend. When Yitzhak Rabin fell on Saturday in Tel Aviv, his family lost a husband and father; Israel lost a great patriot; America lost a great friend and ally; and, the world lost a brave soldier for peace.

I wish to extend my heartfelt sympathy and prayers to the Rabin family. I know that the people of Utah and all the people of our Nation share with them this deep grief over the violent loss of Prime Minister Rabin.

Yitzhak Rabin was one of the outstanding figures of the modern Jewish State. Born in the land he loved, he made history throughout his life, as a soldier, general, ambassador, Minister of Defense, and—twice—Prime Minister. History will regard him as the brave, sometimes lonely, figure who fought fiercely and brilliantly to secure his beloved Israel, and as the leader who tried to bring his nation into an era of peace.

His greatest campaign remains unfinished. We cannot now say what the outcome of the peace process will be. We could not predict the outcome 1 month ago, with so many elements of the process uncertain, as we could not predict that we would never be able to greet our friend Yitzhak Rabin again. What we can say is that we stand with Israel today in grief, and we join the millions around the world who mourn the loss of a great peacemaker.

The pursuit of peace is dangerous. Here in Washington, not even 1 month ago, Prime Minister Rabin said, at the signing of the latest in the autonomy accords with the Palestinians:

Today we are more sober. We are gladdened by the potential for reconciliation, but we are also wary of the dangers that lurk on every side.

Yitzhak Rabin led the life of a hero. As a soldier, he faced battle time and again and, as he often recalled, he saw many people die around him. Having spent over two decades with the defense forces of Israel, he knew the cost of war.

Peace would exact a higher personal cost from Prime Minister Rabin. He knew the risks of peace, but because he was a brave man, a hero, he spent the last years of his life trying to build a lasting peace in that violent part of the world. He led the peace process because he truly believed the peoples of the region truly wanted peace. He also led the peace process because he knew the great cost that the nation of Israel paid to wage violence against its domestic and foreign opponents. Minutes before he was shot, Prime Minister Rabin said

Violence erodes the basis of Israeli democracy. . . It is not the way of the state of Israel.

Mr. President, Yitzhak Rabin knew that Israel is a land of laws. It is a land where the people rule democratically. That is one of the reasons our country has always been able to stand by our closest ally in that region, the only democracy in the Middle East. No assassin's bullet will change that.

We will grieve for the loss of Yitzhak Rabin. And we will grieve for what this loss means for the people of Israel, and for the peace-loving peoples of the Middle East. But we need not grieve for the State of Israel, whose strength Prime Minister Rabin built but whose democratic institutions will not change due to the violence of one hate-filled individual.

Let us honor the memory of Yitzhak Rabin today. Let us honor this great warrior, who died engaged in the greatest battle of his life: the battle for peace. And in honor of his memory, let us rededicate ourselves to a real peace in the Middle East.

• Mr. THOMPSON. Mr. President, the assassination Saturday of Yitzhak Rabin, Prime Minister of Israel, was a tragic, cowardly act that must serve to strengthen the peace process in the Middle East, not slow it down or end it.

Rabin was one of the toughest and most successful military leaders in his nation's history. He was a legendary warrior whose leadership helped establish Israel and preserve it through numerous trials, from the Six Day War to the freeing of hostages at Entebbe in 1976.

Perhaps it was only a man like Rabin—a warrior forged in conflict and steeled in battle—who could have led his nation toward peace with their historic enemies. Perhaps it was only a man like Rabin who could have persuaded his embattled countrymen to give peace a chance.

And that is what he did. And like other great martyrs before him—individuals like Abraham Lincoln, Mohandas Gandhi, and Anwar Sadat—he gave his life for his people and for his nation, and for peace. The pursuit of peace is often more dangerous and difficult than the pursuit of war.

Now, the heirs of Yitzhak Rabin must stand off the terrorists bent on hatred, destruction, and war, and continue with their agenda for peace in the Middle East.

Israel is a democratic society, and democracies do not depend on a single, individual leader. While Israel and the world mourn for Yitzhak Rabin, and for the cause of peace, already his successors are picking up his mantle.

I am certain that Israel can emerge from the circumstances of this heinous crime stronger and even more dedicated to a final and lasting peace. Only moments before he was gunned down at the peace rally in Tel Aviv, Rabin said:

I believe there is now a chance for peace, a great chance, and we must take advantage of it. . . Violence . . . should be condemned and wisely expunged and isolated. It is not the way of the state of Israel. There is democracy. Peace is not only in prayers . . . but it is the desire of the Jewish people. •

Mr. PRESSLER. Mr. President, I join with millions around the world to express my shock and sorrow for the loss of Israeli Prime Minister Yitzhak Rabin.

My thoughts and prayers are with the Rabin family and the people of Israel. A family, a nation, a world will be without an extraordinary human being.

Throughout my career in Congress, I always have had a special interest in Israel. A special bond exists between the people of the United States and the people of Israel. It is bond based on shared ideals—for freedom, for democracy, and for peace.

Yitzhak Rabin made these ideals his own, and sought their preservation for future generations. I am fortunate to say I met Yitzhak Rabin on a number of occasions. Through intelligence, savvy, and sheer will, Yitzhak Rabin was a significant participant in virtually every major chapter of Israel's modern existence: He served as a brigade commander during Israel's struggle for independence; he was Chief of Staff of the Israeli Army during the 1967 Arab-Israeli war; he was Prime Minister and architect of the legendary Entebbe rescue mission in Uganda; and of course, he was Prime Minister during the historic peace process.

On meeting Yitzhak Rabin, it becomes clear why he was a leader of Israel. For in this man, one can see a nation's characteristics: Tough, intelligent, fair, determined, and yes, compassionate. Yitzhak Rabin, like all Israelis, loved his country, and was willing to give his life to defend his country and bring real peace to his people. Abraham Lincoln referred to this extreme level of personal sacrifice, "the last full measure of devotion." Indeed, Yitzhak Rabin demonstrated the fullness of his devotion to Israel to the very end.

Yitzhak Rabin devoted and ultimately gave his life to bring about what was considered impossible: a lasting peace in Israel and throughout the Middle East. Now the people of Israel need to come together and see that his cause for peace is achieved and maintained for all time. That is a challenge shared by all nations who have an interest in peace in the Middle East. No man had a greater role in shaping the current peace process than Yitzhak Rabin. And no man has played a greater part in placing the peace process in jeopardy than the cowardly thug who killed Prime Minister Rabin by shooting him in the back.

However, as the people of the United States know all too well, the cause of peace and freedom must not fall victim to violence and hate. Yitzhak Rabin would agree. The pursuit of peace is above any one man's capability to add to it, as well as any one man's audacity to destroy it. No matter what form violence may take, it must not stop nor slow our collective quest for peace and freedom in the Middle East.

Mr. President, again, I extend my best wishes to the Rabin family and the people of Israel. We have lost a great man, but his dream, his legacy of a strong, vibrant Israel at peace with her neighbors is very much with us still. It must not perish with him.

Mr. CRAIG. Mr. President, I join the many mourners who share in the loss of Israel's Prime Minister, Yitzhak Rabin. It is ironic that the man who has spent his life in working for peace has now given his life for peace. When I first heard the news, my reaction was disbelief. As all Americans who lived

through the loss of President Kennedy know, the loss of a leader at the hands of one of your own, is a great loss to bear.

But, as this Nation also knows, the best way to honor the loss is to continue on, and accomplish what has been left undone. It is my hope that Prime Minister Rabin's death will serve a purpose, it will help guide Israel and her neighboring nations in the Middle East into a lasting peace.

A man's life can be ended, Mr. President, but his work, his legacy can live on. Prime Minister Rabin's dedication to peace is alive and well in Israel, and will serve the Israelis well as they work through this very difficult time.

There are many moments in a great man's life that we can take time to recall: The award of the Nobel Peace Prize, his life as a soldier, and his life as a leader. Yitzhak Rabin lived a life of service to his people, and the nation of Israel. One only need note the number of people who, at one time his foe, sat beside him in the peace process as partners, and who have shared in the mourning of his death.

Mr. President, I also would like to add in my support for the work that remains to be done. Shimon Peres, the acting Prime Minister and partner in peace with Rabin, having served as his Foreign Minister, will face many challenges in the coming days—may the road ahead rise to meet him.

Mr. President, before closing I would just note an interesting quote in a Washington Times article today from a young Israeli, Eyal Mandelbaum, age 16:

We were brought up on the idea that we are a Jewish nation and that never could a Jew kill another Jew . . . in our history, we lost the war against the Romans because we were divided. If we are divided, we lose.

Mr. President, Mr. Mandelbaum's words carry an important message. I hope that it will be heard, because there is a great deal of work that remains to be done on the road to peace. Israel and her people are at a critical juncture. I share in the support that has been expressed by our President, my colleagues in the Congress, and my fellow Americans, to continue to support the Middle East peace process.

Mr. President, this will test the strength of peace in the Middle East, but it is my earnest hope that peace, in the end, will win.

Ms. MIKULSKI. Mr. President, I rise to honor the life and legacy of Prime Minister Yitzhak Rabin—a great soldier, statesman, and peacemaker.

I saw the Prime Minister just 10 days ago—at a joyous occasion. It was a ceremony in the U.S. Capitol to celebrate the 3,000th anniversary of Jerusalem. It is the city where he was born, where he led the Israeli Army to its greatest victory—and, sadly—where he is now buried.

The life of Prime Minister Rabin matched the life of Israel. He was the

first native-born Israeli Prime Minister. He wanted to be a farmer—but he spent most of his life as a soldier. He fought in Israel's war of independence in 1948. In the six day war, he was the general who unified Jerusalem. He was a decorated war hero who helped build the Israeli Army into one of the best in the world. It had to be. For most of its history, Israel was surrounded by enemies who sought nothing less than Israel's destruction.

Only a soldier who knew war as he did could ask his country to take risks for peace. Israelis trusted and respected Yitzhak Rabin—and enabled him to reach out to those who Israelis had only met across a battlefield. Prime Minister Rabin's courage and perseverance led to the historic handshakes on the White House lawn between Israel and its former enemies. When he died, the dream of peace was not yet achieved—but it was in sight.

I send my deepest sympathy to Prime Minister Rabin's family and to the people of Israel. We in the United States know all too well what they are feeling. The assassination of a leader shakes the nation's sense of confidence and security. The pain is all the greater when the murderer is one of their own.

But while Yitzhak Rabin's death is a tragedy—his life was a triumph. His legacy is Israel—a country that is strong, free, and confident enough to take risks for peace. I will honor his life and legacy by continuing to stand by Israel as it builds a just and lasting peace with its neighbors.

Mr. LOTT. Mr. President, I ask unanimous consent that the names of all Senators be added as cosponsors of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open today until the hour of 2 p.m., in order that Senators may submit statements regarding the death of Prime Minister Rabin only.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 7, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., Tuesday, November 7, that following the prayer, the Journal of proceedings be approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the

HOUSE OF REPRESENTATIVES—Monday, November 6, 1995

THE JOURNAL

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

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

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. KOLBE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 6, 1995.

I hereby designate the Honorable JIM KOLBE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

PRAYER

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

Our hearts and souls join with so many others as we mourn the tragic death of Yitzhak Rabin and we express this prayer of condolence to all who sorrow. May Your peace, O God, that passes all human understanding, be with his family and those near and dear to him.

O gracious God, the creator of the whole Earth, who lifts up leaders to do the works of justice and peace, we ask Your blessing on the work that he began and carried on with such strength and determination. We are overwhelmed, O God, by the thought that a song of peace was sung and so quickly followed by the shot of death. Our hearts and minds and spirits reach out in prayer this day that the message of peace for which he gave his life will be translated into acts of reconciliation and will continue with Your grace and with Your benediction in all the days to come. In Your name, O God, do we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance?

Mr. WISE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1097. An act to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the "David J. Wheeler Federal Building," and for other purposes.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the chairman of the Finance Committee, announces a change in the membership of the Joint Committee on Taxation. Mr. CHAFEE has been added to the Joint Committee. Therefore the membership of the Joint Committee on Taxation is as follows: Mr. ROTH, Mr. CHAFEE, Mr. HATCH, Mr. MOYNIHAN, and Mr. BAUCUS.

YITZHAK RABIN: A SOLDIER FOR PEACE

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

Mr. WISE. Mr. Speaker, today all Americans mourn the tragic death of Yitzhak Rabin, the Prime Minister of Israel. Every American has memories of this great world leader. We all remember this soldier, standing in the White House Rose Garden offering his hand as a peacemaker to Yasser Arafat, this soldier talking about the need to stop the killing, so their grandchildren may have a future.

I have a personal memory, along with a number of other Members of Congress several years ago, being able to meet with Yitzhak Rabin before he was Prime Minister. I was struck then by a strong personality, and later I could see how it was that it was a soldier who led his nation in war who could also lead his nation and a region to peace.

So we have a new memory as well in our grief. We also now have the mem-

ory of an Arab King standing before the casket of a slain Israeli leader. Perhaps there is hope, that hope only brought about because of the efforts of Prime Minister Rabin.

Finally, Mr. Speaker, if we can take anything out of this, as we have lost a world leader in the fight against extremism, let us remember we are each soldiers in that fight as well. Perhaps in a personal way, each unto ourselves, we can dedicate ourselves to fighting extremism and rooting it out wherever it is, not just in the Mideast, but wherever it is in our hearts, our lives, and our country. That may be the ultimate memory and testimony for Yitzhak Rabin.

YITZHAK RABIN'S DREAM MUST BE KEPT ALIVE

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

Mrs. SCHROEDER. Mr. Speaker, today we all feel we are part of one great global family, cloaked in sadness as we try to deal with the senseless assassination of Yitzhak Rabin. I think every one of us feels very helpless and impotent that we could not prevent such a senseless act by a killer who killed one of the great soldiers and dreamers who was acting on peace. But I must remind all of us on this day that while we could not prevent the killing, we can prevent the killing of his dream. We must not let the feeling of helplessness and impotence descend upon us to not go forward with his dream of peace.

Instead, it must rekindle the flame even brighter, even harder, and we must work even more vigorously to bring peace to that region that has known so little, and to carry on the great dream and vision he had for that region, his home.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF ISRAELI PRIME MINISTER YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

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

Mr. BENTSEN. Mr. Speaker, today the world mourns the loss of one of the greatest statesmen of our time, Yitzhak Rabin. A soldier who knew too well the price of war, Prime Minister Rabin spent his life in defense of Israel. But his legacy will be his pursuit of an enduring peace for the entire Middle East.

Rabin's time in office was short in the long history of the Middle East. That makes what he accomplished all the more remarkable—a peace treaty with Jordan, mutual recognition between Israel and the PLO, and the initiation of historic talks with Syria. All this was considered impossible only a few years ago.

Prime Minister Rabin's most remarkable accomplishment was the transformation of the Middle East from a region divided between Arabs and Jews into a region divided between those who want to move forward with peace and those frozen by the hatred of ages.

We here in the U.S. Congress must not waiver 1 inch in our commitment to peace. Our continued strong support for Israel and her quest for peace and freedom should be a tribute to the man who gave his life for it.

Today Israelis mourn the loss of Yitzhak Rabin and the entire world grieves with them. We should all honor the memory of Yitzhak Rabin by giving life to his enduring words: "Enough of blood and tears. Enough."

SMOKELESS TOBACCO CONSUMPTION AND REDUCTION AND EDUCATION ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, today I just want to notify my colleagues that I am reintroducing a bill that addresses a very serious public health crisis. That is the growing number of especially adolescents and children who are using smokeless tobacco. This bill would hopefully begin to deter the smokeless tobacco industry by raising the Federal excise tax to at least the level of that on cigarettes. We are seeing children being targeted constantly in commercials by all sorts of popular figures, trying to lure them into snuff and chewing tobacco, and saying it is a safe alternative.

Let me just point out to parents and so many people, this is not a safe alternative, and in fact, some of the health consequences of smokeless tobacco are even more immediate than that of cigarettes. In fact, evidence shows that smokeless tobacco contains 2 to 3 times the amount of nicotine that cigarettes have, and that people become much more subjected to addiction than with cigarettes.

What the users are at such health risk for is developing gum, tongue,

cheek, larynx, and other oral cancers. Can you imagine anything worse? Every year some 29,000 Americans are diagnosed with oral cancers, and 8,000 people die of it; 75 percent of those are attributed to the use of smokeless tobacco or cigarettes.

Mr. Speaker, I take this well to say I as a parent get so tired of people seeing children and adolescents solely as consumers, and that if you can lure them in and tell them these things are cool, it only helps your profit and loss statement.

I think it is time we as lawmakers, and all of us in this country, join to say that these children are our future and we should not allow profits to get in the way, luring them in to be consumers, to getting them addicted to nicotine, and to getting them into habits that will haunt them the whole rest of their life.

Mr. Speaker, adolescents develop the habits that they are going to have with them the whole rest of their life during this period. They are terribly vulnerable, they are terribly vulnerable to peer pressure. I think to say that this is a safe alternative and to allow this to continue is wrong.

I thank the cosponsors who are joining with me. I hope many others join with me, and I hope we can begin to attack one more group that is out there preying on our children and going after their pocketbooks for their own aggrandizement.

Mr. Speaker, today I am reintroducing a bill that addresses a severe public health crisis—the growing number of people, especially adolescents and children, who are using smokeless tobacco. This bill would deter smokeless tobacco use by raising the Federal excise tax on snuff and chewing tobacco to that of cigarettes. It would also create a trust fund to educate the American public about the health effects of using smokeless tobacco.

While cigarette use has been declining for the past 7 years, the use of smokeless tobacco has risen for the fourth year in a row. In fact, since 1972, the number of users has tripled. Smokeless tobacco is now the only tobacco product for which consumption is increasing. More than 10 million Americans use snuff and chewing tobacco, and, sadly, 3 million of those users are under the age of 21. Statistics show that more than 35 percent of high school boys are occasional or frequent users. What is worse, the average smokeless tobacco user starts his or her habit at age 9; 25 percent of users start by age 5.

Smokeless tobacco marketers are smart, engaging in intense and well-funded marketing efforts. They target young males with visions of sports fame and rugged masculinity. They ease adolescents into their habit with snuff flavored with mint and cherry.

Most importantly, the health consequences of smokeless tobacco are even more immediate than that of cigarettes. Evidence shows that smokeless tobacco contains 2 to 3 times more nicotine than cigarettes, making snuff users more susceptible to addiction than smokers.

Users are at a serious risk of developing gum, tongue, cheek, pharynx, and other oral cancers and of developing cancers of the larynx and esophagus. Some 29,000 people are diagnosed with oral cancer a year and 8,000 people die of it—75 percent of those cases are attributed to the use of smokeless tobacco or cigarettes.

Children and adolescents who use smokeless tobacco are at a special risk of damage to teeth, gums, and bone tissues. Nicotine and other carcinogenic substances absorbed from smokeless tobacco use can aggravate human illness in progress and accelerate the development of coronary artery disease and hypertension.

Ten percent of the revenue generated by my bill will be placed into a trust fund for programs to educate the public of these health risks and for other programs to reduce consumption. Higher taxes and an educational trust are one step toward helping kids kick the habit. Join with me in protecting America's youth.

TRIBUTE TO YITZHAK RABIN AND ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I have not in my 15 years as a Member of this House felt sadder on taking the well. The murder of Yitzhak Rabin is one of the most despicable, frightening acts we have witnessed, because it was not simply the murder of one of the genuinely great men of our time; a man who, having excelled in war, a war forced on him and forced on his countrymen, a war they never wanted but a war of self-defense, a war which they had to fight from the moment of their birth for their very existence; a man who, having excelled at that war, excelled at peace; but of a man who, which is rare in politics, risked everything to make peace.

We talk of those who stand up to their enemies, but that is easy to do. Standing up to your friends, to your brothers and sisters, to the people to whom you have been closest, that takes a real kind of moral courage. Yitzhak Rabin did it. It is not simply the murder of this great man. It is an assault on democracy. It is an assault on one of the great accomplishments that we have seen in this world, in this century. That was the creation of the democratic State of Israel out of the terrible horrors of the Holocaust.

It is appropriate for us today, in expressing our deep sorrow at the murder of this great man, to remark on the extraordinary society which gave birth to him, not in the physical sense but in the political sense, because he is one of the men who brought Israel into existence, but his political career then thrived within Israel.

It is a terrible tragedy that just as he appeared to be on the verge of success

in bringing about a true peace, a thoughtful and sensible peace, he was murdered. Israel was created, through no fault of its own, in the midst of war. This small nation had to fight for its very existence from the moment of its existence. After five decades, nearly, of a war of self-defense, Israel society was taking great risks for peace.

We in the United States can be very proud of the role that has been played by the United States, by the Clinton administration, by this Congress, by American society, in giving Israel the necessary support that it needed as a small nation in the midst of what was once a sea of hostility to go forward to making peace.

Mr. Speaker, in addition to mourning the death, in addition to condemning the despicable act, and condemning also those who condoned this in advance, I think it is appropriate to pay tribute to Israeli society, and at this moment of greatest sorrow for Israeli society, to express my confidence, my pride as a Jew, as well as an American, in the relationship that our country has had with Israel, but also in the ability of Israeli society, in the midst of an effort to wipe it out before it came into existence, to foster its own security and at the same time democracy.

Many have argued at times of stress that democracies have to give up on their basic rights. The Israeli experience is, of course, a repudiation of that, because the Israeli society has been one of the freest and most democratic in the world at the same time it has been under attack. Now that society, that great democracy, is going to be called on, as few societies have been called on. But that is not new for the Israelis. They have had to go through this before.

I am confident that in the midst of this terrible tragedy and mourning, the strong democratic nation of Israel will rise to the task, and those who tried to murder peace by murdering this great man will fail. I believe that the democratic society of Israel will repudiate this effort, and I am proud to say that as a Member of the United States House of Representatives, I look forward to working with all of my colleagues in continuing to provide Israel with the kind of support and reassurance it needs to go forward on the path that Yitzhak Rabin had begun.

THE DEATH OF YITZHAK RABIN AND ITS SIGNIFICANCE FOR AMERICA AND THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I want to take this time to continue for just a moment discussing the death of Yitzhak Rabin, and what it means to

the world, and certainly to us. I have grappled with this all weekend, as I know many Americans and citizens across the world have, about the meaning, because once again a great leader, who has already accomplished much and pointed the world in a new direction, has been struck down.

There is a sense of horror and tragedy and shock at this, and in many ways, hopelessness. But at the same time, out of this sense we have to resolve to go on, to remember this man who was a patriot and leader of Israel, who led Israel in one of its major wars, who commanded armies, who knew military arms, and yet could also bring a nation to peace.

I have thought many times that probably it was only Prime Minister Rabin who could do that; having been such a successful general, he could be the only one whose word and authority could be accepted when he would say there could be peace.

I put him in the same category as many other great leaders who have been struck down in the Mideast. Of course, in 1981 another one who dared to strive for peace and was struck down by an extremist within his own country was Anwar Sadat, the President of Egypt. Before him, the grandfather of the President King Hussein, King Abdullah, was struck down in Jerusalem by the same extremist type of person. People who did not want to see a dream succeed are those who would strike down such leaders.

The death of Yitzhak Rabin, though, really has meaning far beyond Israel. Obviously, we focus on the Mideast, and I think if there is a success story for the United States, it is that there has been a true bipartisan support of the nation of Israel and its strivings and endeavors and struggles.

Obviously, the Mideast is a large part of what we focus on today, but what Yitzhak Rabin was about and what struck him down is not just the Mideast, it is an extremism that is in all parts of our society worldwide; it is an extremism that says "We do not have to work through democratic principles; if your dream differs from ours, we will cut you down."

That is what we have to root out. That is something we have to do as individuals as well. We cannot just count on there being Yitzhak Rabins on every street corner. They depend upon us, ordinary citizens, to lead that fight as well, to be the soldiers, if you will. So I hope that is something, that we redouble our efforts. As we focus on the Mideast and the sorrow and grief that we feel today and we are going to feel for quite a while, and the absence we are going to feel for quite a while, so let us focus on what needs to be done across the world as well.

Mr. Speaker, in closing, I just want to ask that all of us as Americans redouble our efforts to deal with extre-

mism no matter where it is: Left, right, religious, racial, however it comes up. That is what this is about. That is the struggle that must be led.

As I watched excerpts of the funeral I was struck by something, Mr. Speaker, You could not help but feel tears well up, to see, of course, not only Prime Minister Rabin's granddaughter so eloquently eulogize her grandfather, as a person who knew him well, better than anyone else, I think, but also to see his former adversary, the King of Jordan, whose soldiers had fought and he had fought against Israel several times before, stand beside the bier of his former fallen foe and call him friend; the Arab King, the Israeli flag-draped casket, side by side; two men who dared, two leaders who dared to reach out.

Now they call, I think, upon us, all of us, to dare to reach out the same way, for if we are to gain anything out of this great tragedy, if we are to try to pull anything out of this, that is what we must double and triple our efforts to do, which is to heed that call and to dare to reach out to each other.

PERMISSION TO FILE CONFERENCE REPORT ON S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the managers be given until midnight tonight, November 6, 1995, to file a conference report on the Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes.

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

There was no objection.

THE LOSS TO ISRAEL, THE MIDDLE EAST, AND THE WORLD WITH THE ASSASSINATION OF PRIME MINISTER YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, it is with a great sense of personal sadness and political sadness that I rise today to talk about Israel's loss with the assassination of Prime Minister Yitzhak Rabin, the loss for the Middle East, and the loss for the world.

As generations of Americans have talked with a great deal of sadness about the loss of our President, President Kennedy, and they talk about where they were when that event happened, and how it shook America to its foundations, I think many people will never forget where they were when

they heard the news of this tragic murder of Prime Minister Rabin.

I think it is tragic for many reasons. It is tragic because, at a time when so many people are critical about the political process, they complain about the vacuum of leadership in politics today, and the lack of courage in politics today. Here was a man that would never, he would never lick his finger and put it to the wind and say "What should I do next?" This man was a tornado, a wind tunnel who would create the winds of change, and try to convince and control and persuade the Israeli people that his attitudes about the peace process were the just ones and the right ones, and, we all know, the courageous ones.

I have met Prime Minister Rabin three or four different times, one time just recently in Israel, when he talked at length about his efforts toward the peace process in the Middle East. Prime Minister Rabin, I do not think, would meet some Americans' definition of "charismatic." He was not particularly the backslapping type. He was not always the first one to tell you a joke. He had a charisma of toughness, of vision, of courage. He would smoke his cigarette and let the American Members of Congress know that nothing was going to deter him from his efforts to achieve an everlasting peace for the people of Israel and the people of the Middle East and the people of the world.

I do not think many Americans or people anywhere in the world, for that matter, can forget the historic occasion of the handshake on the White House lawn a year and a half ago. I think everybody remembers with a great deal of pride as Americans that this took place in America, when Prime Minister Rabin and Mr. Arafat shook hands on the White House lawn, making all of us feel that almost anything was achievable; that if these two people could come to a peace and an understanding and a commitment to work together, certainly that was an inspiration to many Americans that we can do the same kinds of things; that anything is possible to all of us.

Mr. Speaker, I just want to say that Mr. Rabin was a lawyer, a general in 1967, a warrior for victory in 1967 in a war that meant everything to the Israeli people. Over the decades he was a patriot for peace to his people, winning the Nobel Peace Prize in 1994. I want to express, on behalf of my constituents in northern Indiana, and maybe on behalf of some Members of the House of Representatives, as many Members are currently over in Israel right now, the deep sense of loss that Americans feel as Mr. Rabin leaves us.

We extend our prayers and our thoughts and sympathies to Mr. Rabin's family, and also to the people of Israel, who are our good friends and who are going to be going through a

very difficult time, not only by losing a Prime Minister through assassination, but in many ways, the State of Israel has lost a bit of its innocence with this very tragic act. We know that they can overcome this, and we know the people of Israel and the people of America will continue to work together in the efforts to sustain the legacy that Mr. Rabin leaves all of us: One of hope and commitment to work with other people, even your enemies, at times, and the hope and commitment to attain a just and everlasting peace.

DEBATES ON BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from South Carolina [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

EXPRESSING CONDOLENCES TO THE FAMILY OF YITZHAK RABIN AND THE PEOPLE OF ISRAEL

Mr. SCARBOROUGH. Mr. Speaker, I also wish to express my condolences not only to Mr. Rabin's family, but also to the people of Israel on behalf of my family and my district. It obviously was a devastating loss for a peace process that began some time back, with the Camp David accords, and has now seen two great leaders and visionaries slain on behalf of peace in the Middle East, and how ironic it is that Anwar Sadat was assassinated by an extremist, an extremist Arab group that wanted to do anything they could to stop peace in the Middle East, and that now the Prime Minister was slain by an extremist in his own land. It shows the divisions that run deep in this conflict that have been going on for thousands of years, but is yet another step in a painful process toward peace, and one that we, obviously, must have, and must press forward to secure.

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I just thank him for all he did during his lifetime to help secure that peace.

Today I wish to speak on a matter that is pressing at home regarding the balanced budget debate. We have heard much over the weeks, we have heard much over the past months and over the past year on how we balance our budget and what we do to balance our budget.

Mr. Speaker, I went home this past weekend and spoke at some meetings across the district, both formal and informal, and talked to people and tried to get a sense of what they were thinking about our plan to balance the budget. We are the first balanced budget plan in over a generation.

As I came back, it really did hit me after talking to those Americans that the plan that now is before Congress, and the one that we have passed, with all of its flaws, really does give the

American people the best chance they have had in some time to put their financial house in order, really for the first time in a generation.

Mr. Speaker, look what has happened over the past 40 years, over the past 40 years of liberal spending policies and liberal taxing policies in this House. Of course, everybody knows that it has been 40 years since we have really had a true, bona fide, balanced budget plan and that this year we are \$4.9 trillion in debt. Think about that for a second. \$4.9 trillion. That is a lot of zeros.

We right now are spending \$270 billion on interest alone, paying off the interest on the debt, \$270 billion. We are spending as much money paying off interest on the American debt as we are spending on our Department of Defense budget. Think about that for a second.

We spend as much money paying off interest on the debt as we spend on tanks, jets, B-2 bombers, *Seawolf* submarines, our military infrastructure, paying all of the personnel costs, all the health care costs, all of the defense-related costs, \$270 billion, and yet it seems ironic to me that all of those liberals that stand up and scream and tell us that we are spending too much money on the defense budget that in the end is to protect the shores of this great country and to protect American interests across the globe, those same liberals are saying, OK, \$270 billion is too much to protect our country, but on the other hand, it is not too much to protect our financial future. They have no objection with us continuing to throw \$270 billion away per year on interest payments alone. That is money that goes right down the drain, that does not support any programs whatsoever, that does not support Medicare or Social Security, or support anything.

Yet, today, every child is spending, or every child has a debt of \$20,000 on their head. If a child is born today, that child will pay well over \$150,000 over their working lifetime on taxes alone simply to pay off their portion of the debt that is on this country right now.

Let me say, Mr. Speaker, it disturbs me to hear them complaining about the fact that we finally stepped up to the plate and were willing to do what needs to be done to balance the budget. They talk about it as being radical, they talk about it as being mean spirited.

Mr. Speaker, I ask you this. What could be more mean spirited, what could be more mean spirited than to continue doing for the next 40 years what we have been doing for the past 40 years, where we are literally reaching our hands into the pockets of our children and our grandchildren, and stealing money from them and from future generations, only to throw them away on political programs that have clearly failed over the past 40 years?

Sure, it may help some Members here get reelected to push for those programs, but yet they are not willing to stand on the floor and to say, this program is so important that I am going to tell you how we are going to pay for it. Instead, they propose one budget after another that does not balance the budget. We have had it for 40 years, since the checkbook has been in the hand of the Democrats, and this year, finally, we step forward with a plan to balance the budget, to make sure that we do only the same thing that middle class Americans have to do: We only spend as much money as we take in.

Mr. Speaker, what is so radical about that? What is so radical about the fact that right now the Federal Government spends \$4 for every \$3 that it takes in, but we want to have the Federal Government pay \$3 if it takes in \$3. If it takes in \$2, it spends \$2. But all we hear is, this plan to balance the budget is radical. It is mean spirited, and we are cutting way too much.

Mr. Speaker, let me tell you a little secret, and it is a secret that has not gotten out yet. This plan does not cut too much. In fact, it does not cut at all. I have a chart here to show that.

If we look at this chart, this is how much money we have spent as a Federal Government from 1989 to 1995: \$9.5 trillion; \$9.5 trillion. Now, over the next 7 years, from the year 1996 to the year 2002, in this radical budget plan that supposedly cuts too much, over the next 7-year time period, we will be spending \$12.1 trillion. So over the last 7 years we have spent \$9.5 trillion, and over the next 7 years we will be spending \$12.1 trillion, an increase of almost \$3 trillion over the same 7-year time period.

Now, where I come from that is a pretty significant increase. In fact, that is an increase of \$2.6 trillion.

Now, let us look and see what the difference is between what the Republicans have suggested we do over the next 7 years and what the Democrats have suggested we do over the next 7 years. If we do nothing, if we continue to let this run-away train go down the tracks and go off the tracks and move us toward bankruptcy, then we will be spending \$13.3 trillion over the next 7 years.

But you see, Mr. Speaker, it is not that radical. It is not radical at all, in fact. We are talking about spending \$2.6 trillion over the next 7 years instead of \$3.8 trillion over the next 7 years. Where I come from, this is less than this; \$12.1 is more than \$9.5. I wonder about this Washington new math where a spending increase is called a spending cut. It makes no sense to me.

I was in committee, and now they are working it the other way. We talked about abolishing the Department of Commerce because it is the last great bastion of corporate welfare in America, and you know what they call that?

They call that spending cut a spending increase. Ron Brown stood before our committee and in sworn testimony said it will cost more money, it will cost billions of dollars for us to abolish the Department of Commerce. So now it has made a full circle. In Washington, DC, a spending increase is now called a spending cut, and a spending cut is now called a spending increase.

We have a Member from Ohio who, when faced with this sort of logic, screams into the microphone, beam me up, Scottie, I cannot take it any more. Well, that is how I feel sometimes. I feel it when I go back to the district and some people say to me, gosh, is it true that you are slashing spending too much in Washington? I give them the figures, and they cannot believe it.

It is the same thing with Medicare. We hear time and time again that the Medicare cuts are too radical. You are cutting Medicare. How many people have heard, you are cutting Medicare, you are cutting Medicare. That is all we hear. The fact of the matter is, over the next 7 years, spending on Medicare will increase by 45 percent, from about \$850 billion to \$1.8 trillion. Forty-five percent. Some people still have the nerve to sit on the floor and speak into the microphone with a straight face and call that a spending cut.

I do not understand it. Quite frankly, even the President of the United States, supposedly the leader of the Democratic Party, does not understand it. After saying for years that we did not need a balanced budget, the President has come out recently saying we do need a balanced budget, and we need it in 10 years or 7 years or 8 years or 9 years. It is hard to nail him down exactly, but he is saying at least we need a balanced budget in some period of time.

The Democrats' response to that has been anger. They have been extremely angry that their President has dared to step forward and echo what about 90 percent of Americans are now saying, that a balanced budget amendment this year has to be the top priority.

I just cannot imagine that, though, for a second. I cannot imagine that members of a party would be angry with their party head for simply saying that the Federal Government should only spend as much money as it takes in. Does that help explain the ideological demise of the liberal wing of the Democratic Party? I think it does. Does that mean that this plan is radical No, it is not radical. Again, 88 percent of Americans support the plan that we are going to pass.

Furthermore, if we look at what happened 1 year ago on November 8, 1994, about 1 year ago, Americans agreed overwhelmingly that we needed to move forward with the balanced budget amendment, with a balanced budget plan, with cuts in spending, and we needed to do it because our future de-

pends on it, and they agreed with us at the voting booths.

Remember all of the liberal press members who said what a serious mistake the Contract With America was, that we should not put all of these things out there and should not make all of these promises that we were going to try to pass a balanced budget plan. They said it would destroy the Republicans' chances.

Well, the fact of the matter is, we put our program out there and got the most unambiguous mandate in the history of off-year elections. Of course, the Republicans gained control of the Senate and the House, but also, think about this. This is shocking, but not a single House incumbent Republican, not a single Senate Republican incumbent and not a single gubernatorial candidate who was an incumbent and a Republican got defeated in 1994, all across America. Absolutely staggering.

So no, Mr. Speaker, this is not a radical plan; no, we are not too far ahead of the American people. The fact of the matter is, this is what the American people elected us to do and it is what we are going to be doing.

Let us talk for a second about what the plan does, Mr. Speaker. First of all, it rewards wise investment. Now, some debate, and I have debated, at times, the necessity for some of the tax cuts and their ability to stimulate the economy. Some have also preferred a 5-year plan. I personally think that I would have preferred that we try to balance the budget in 5 years, but obviously, the Democrats do not think we should balance it in 50 years, let alone 5 years.

There are, of course, some pet programs that we created over the 40 years of the Democratically controlled House that do not get zeroed out as quickly as I would like, and we still have the question of the Social Security trust fund. I think it needs to be offbudget, I do not think we need to calculate that in when we are trying to figure out how to balance the budget.

My gosh, with all of the resistance that we have had to put up with with this very moderate 7-year plan, I would hate to think what would happen if we dared to move even further. On balance, it really is our only hope to achieve the goal that 88 percent of Americans have asked us to achieve, and that is to balance the budget for future generations, which leads to the next question.

Why is it so important? Well, I can give you a personal anecdote. This morning early at 6 o'clock in my home town of Pensacola, FL, I had to leave to catch a plane to come up to Washington, DC, and as I did, I had to say goodbye to my 7-year-old boy and my 4-year-old boy and tell them that I had to come back to Washington, DC.

As I looked at my 7-year-old, especially, I thought to myself how quickly he had grown. I do not know the numbers. I am sure I could call CBO and get

the estimates, but I am sure in his 7 years the budget has absolutely exploded, the budget deficit has exploded. The fact of the matter is, what we do today is going to effect his life and the lives of his children and the lives of their children for generations to come.

I really cannot say this any more straightforwardly, because when you put all of the political rhetoric aside, one fact remains, and it is this one, that we, as a Congress, we as a Congress for the past 40 years have been stealing money from our children, from my 7-year-old boy and my 4-year-old boy, and from other children, simply to pay off political programs that help Members of Congress get reelected. That is what it comes down to. It comes down to power.

I hear people, I hear them trying to scare 85-year-olds, I hear them lying about Medicare. I hear them lying about this balanced budget plan. I step back and I ask myself, what is so important about this job that you would deliberately scare our senior citizens and deliberately scare those who need comfort in their retirement, and would deliberately mortgage my children and their children's future? I mean, at what price do you hold your seat in the House of Representatives or in the U.S. Senate or at the White House? It is not worth it. It is simply not worth it.

So let us get some basic facts out on the table. If we do nothing, then very shortly down the road, in the next year or two, we are going to be spending more money on servicing the debt than we are spending on our entire defense budget. If we do not do something about balancing the budget now under this plan, not only are we going to be doing that, we are also going to come to a time in America where the only things we are spending money on are going to be servicing the debt and those mandatory programs.

Mr. Speaker, there will be no money for children's programs. There will be no money for environmental protection. There will be no money for defending our shores, and in the end, that translates to defending our children. There will be no money for any school lunch programs that liberals have fought so hard to say we need to increase on the Federal level, and there will be no money for any programs that liberals complain were so essential.

This balanced budget plan is ideologically neutral. It is about getting our financial house in order. If we do not do that, again, we are going to be paying for it.

So I do not understand why the Democrats are doing what they are doing. I do not understand why they are misleading the American people and talking about massive cuts. I do not understand why holding their seat is so important that they would deliberately mislead Americans.

It is the same thing with Medicare. I had a meeting with some senior citizens this weekend and I also had a separate meeting with some physicians to talk about Medicare. Mr. Speaker, the physicians told me that senior citizens would come into their office and thank them for what they had done, but they would say, I guess I will not be able to see you when this Medicare plan passes because they are going to be doing away with Medicare. I mean, that is absolutely unbelievable. Of course, the physicians would explain that that is not the case, that that was just a lot of political rhetoric, but there are a lot of seniors out there that have been deliberately misled.

So let us get the facts out on the table, because obviously we are not going to be getting them from the liberal Democrats. I agree with the Speaker. I really think it shows the demise of the liberal Democratic Party when the last tactic comes down to trying to scare 85-year-old senior citizens.

Here are the basic facts. First, Medicare is broken. Who can deny this? The President of the United States cannot deny it, because in April the President had the Medicare trustees come up with a report to tell him what the status was of Medicare. Was it solvent? Did it need fixing?

The Medicare trustees came back with some dire warnings for the President of the United States. They said, Medicare, as we know it, will be broken and bankrupt in 7 years. Medicare will cease to exist in 7 years if we do not undertake dramatic reforms now.

That was in April. The fact of the matter is, three of the President's own Cabinet members served on that Medicare trustees' board and signed off on the recommendations that Medicare had to be saved.

Well, it is broken. But the plan that is before the Senate and the House and the President today fixes Medicare. It protects and preserves Medicare, but it does something more than that. It moves Medicare into the 21st century, and it does it several ways. But before we talk about all of the changes that are going to be coming to Medicare, I think it is important to point out one basic fact that senior citizens do not know about, and if they do not know about it, it is because they have been misled.

The main fact to understand if you are a senior citizen about Medicare is under this plan, if you liked your Medicare plan, you can keep it. That is right. Nobody is saying that we are going to make you get off of Medicare as you know it. You get to keep Medicare, you can stay enrolled in the same Medicare plan today if that is what you choose to do.

Now, of course, many believe that it was passed in 1965 with few changes since, and it is in the end a 1965 Blue

Cross/Blue Shield plan codified into law run by a Government bureaucracy, but if you like that, you can keep it. But, if you want to be caught up with all of the changes that have happened over the past 30 years, you can also do that too.

First of all, you can enroll in what is called Medicare-plus. You can do one of three things. You can have a medical savings account called Medisave, and in that medical savings account, you can take out a medical IRA, and then use that as your Medicare plan, and you and your physician can decide how you want to apply that money. It gives you the power, it gives you the choices, it gives you the decisions.

Second, of course there is an option for HMO's. If you like HMO plans, you can use them. Some seniors love them, some seniors hate them. But again, the important thing is that the choice is going to be taken out of the hands of the bureaucrats and given to the senior citizens so that they will be empowered.

Let me tell you, the third choice that seniors will have beyond staying on Medicare as they know it is that they are going to be able to enroll in what is called PSN's, provider service networks.

Now, what does that mean? That means that doctors can get together with other doctors, doctors can get together with hospitals, and they can come up with a plan between themselves and between their patients on how they want to treat a patient and how Medicare patients can enroll in their own plans. The best part of it is, it keeps the third parties out of there, it keeps the middle man out of there, and it is going to cut costs.

Insurance companies may not like it, because insurance companies have a lot of middle men in HMO plans that can make a lot of money. But the fact of the matter is that these provider service networks allow the senior citizen to get together with the doctor and come up with a plan that makes the best sense for them.

A lot of people have told me that senior citizens will not like this because it involves changes. Well, I think that is underestimating senior citizens a little bit, because you are giving senior citizens hundreds of options that they never had before. But again, more important, along with all of that change, you are giving them stability. If they want to stay in the plan as they know it today, they are welcome to do that. Who could ask for more?

I have to admit, Mr. Speaker, there is not a whole heck of a lot that I ever thought was very exciting about medicine, about Medicare, about Medicaid, about digging through all of the mess that you have to dig through, but what is exciting about the Medicare reform plan is we are finally infusing the free market and free enterprise into our medical system.

So the senior is empowered, and so the senior and the physicians can make the decisions. You are talking about the consumer of a good and the supplier of a good without a third-party payer stepping in. That is going to cut down on a lot of waste, fraud, and abuse.

There was a TV show this past week that talked about a lot of waste, fraud, and abuse, and it is highlighted. I held 25 townhall meetings in the month of August. A lot of seniors asked me questions about Medicare, but at the same time they told me about the rampant waste, fraud, and abuse that was occurring in the system. If you added up all of that waste, fraud, and abuse, where people were being overcharged, of not being billed or being billed too much, you could see why this system is in the trouble that it is in.

I had some of these seniors tell me that they called medical providers and said, you have overcharged me, and the medical providers said, well, do not worry about it. But the seniors said, but you have overcharged me, please correct this. They said, you are on Medicare, right? The seniors said, yes. The medical provider said, do not worry about it, it is not your problem. The senior would say, but it is my problem. You have overcharged me; take it off the bill. Finally, the medical provider would say at the end, do not worry, it is not your money. Just do not worry about it, we will take care of it.

Well, the fact of the matter is, it is the seniors' money and it is all Americans' money. We have to cut back on waste, fraud, and abuse and make this system solvent, not only for future generations, but for those that are on Medicare right now for my 92-year-old grandmother, and also for my parents who will be enrolling in Medicare in the next few years. Too much depends on it.

Finally, the third part of the balanced budget plan is welfare reform. Look what this one plan is doing. We are saving Medicare, we are balancing the budget, and we are overturning a welfare system that for the past 30 years has been devastating to this country.

So many people will stand up and say, what will we do without the welfare program that we have today? We should not dare to change it, we should not dare to reform it. Well, the proof is in the pudding, and I challenge anybody who tells me or who tells you that the welfare system has been a success over the past 30 years, I challenge them to drive through south central Los Angeles, or drive through Gary, IN, or drive through the south Bronx, and look at the devastation in those inner cities and tell me that this welfare system has been a plus.

We have spent \$5 trillion over the past 30 years on the Great Society, on

this so-called war on poverty that in the end has been a war on hard work, a war on discipline, a war on families, and a war on the very things that made America great.

Mr. Speaker, all you have to do is again, look at the fabric of the inner cities. It is just horrible. As the Speaker has said before, we find ourselves in a country, in this welfare state, where 12-year-olds are having babies, and 15-year-olds are shooting each other, and 18-year-olds are graduating from high schools with diplomas that they cannot even read. Yet, we are told that it would be mean-spirited to end those welfare programs.

I think the reverse of that is the truth. Washington, DC, does not have the answer to every single solitary problem. If our \$5 trillion and our 30 years of social experimentation have shown us anything, it has shown us that social policy cannot be micromanaged from Washington, DC.

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Instead, the answer lies, where our Founding Fathers knew it lay, in the communities, in the States and in the hometowns and not in Washington, DC.

You know, Thomas Jefferson said that the Government that governs least governs best, and James Madison said we have staked the entire future of the American civilization not upon the power of Government, but upon the capacity of each of us to govern ourselves, control ourselves and sustain ourselves according to the 10 Commandments of God.

Read the Constitution, read the 10th amendment. It says all powers not specifically given to the Federal Government are reserved to the States and to the citizens. Well, I believe 30 years after we embarked on this social experimentation program called the Great Society, it is time to turn the power back to where our Founding Fathers knew the power belonged, with individuals, with families and with hometowns. The answers do not lie in Washington, DC, and those 30 years of getting failed social experimentation have shown us in the end that the best social policy is a job.

How do we create jobs? Not through some massive job program in Washington, DC, that socializes even the job process. No, instead, we create jobs by balancing the budget, by bringing down interest rates, by cutting taxes, by cutting regulations and by cutting spending in Washington, DC.

We have had so much testimony before us, and the facts bear it out, that if we dare to balance the budget, we will see interest rates drop at least 2 or 3 percentage points. Alan Greenspan has said that America will see unprecedented economic growth, growth that it has not seen since the end of World War II, if we will only dare to balance the budget. And that is a challenge

that I am willing to take up today. That is a challenge that most Members of the Republican Party and many Members of the Democratic Party will dare to take up.

Again, it is not a perfect plan. I voted against one of the plans because it raised the debt ceiling to \$5.5 trillion, but I voted for the balanced budget plans the other times they passed through Congress earlier this year.

It is time for us to stand up and dare to make a difference, and that is exactly what we are going to do. We are going to return government to where it belongs, at home, and we are going to start doing what middle-class Americans have been doing for 200 years, and that is only spending as much money as we take in. America's future depends on it, and more importantly, my children's future depends on it.

CONFERENCE REPORT ON S. 395

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (S. 395), to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-312)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395), to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

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

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) The term "Eklutna" means the Eklutna Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Eklutna Purchase Agreement.

(2) The term "Eklutna Purchase Agreement" means the August 2, 1989, Eklutna Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Eklutna Purchasers, together with any amendments thereto adopted before the enactment of this section.

(3) The term "Eklutna Purchasers" means the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc. and the Matanuska Electric Association, Inc.

(4) The term "Snettisham" means the Snettisham Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Snettisham Purchase Agreement.

(5) The term "Snettisham Purchase Agreement" means the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority and its successors in interest, together with any amendments thereto adopted before the enactment of this section.

(6) The term "Snettisham Purchaser" means the Alaska Industrial Development and Export Authority or a successor State agency or authority.

SEC. 103. SALE OF EKLUTNA AND SNETTISHAM HYDROELECTRIC PROJECTS.

(a) **SALE OF EKLUTNA.**—The Secretary of Energy is authorized and directed to sell Eklutna to the Eklutna Purchasers in accordance with the terms of this Act and the Eklutna Purchase Agreement.

(b) **SALE OF SNETTISHAM.**—The Secretary of Energy is authorized and directed to sell Snettisham to the Snettisham Purchaser in accordance with the terms of this Act and the Snettisham Purchase Agreement.

(c) **COOPERATION OF OTHER AGENCIES.**—The heads of other Federal departments, agencies, and instrumentalities of the United States shall assist the Secretary of Energy in implementing the sales and conveyances authorized and directed by this title.

(d) **PROCEEDS.**—Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchasers.

(f) **CONTRIBUTED FUNDS.**—Notwithstanding any other provision of law, the Alaska Power Administration is authorized to receive, administer, and expend such contributed funds as may be provided by the Eklutna Purchasers or customers or the Snettisham Purchaser or customers for the purposes of upgrading, improving, maintaining, or administering Eklutna or Snettisham. Upon the termination of the Alaska Power Administration under section 104(f), the Secretary of Energy shall administer and expend any remaining balances of such contributed funds for the purposes intended by the contributors.

SEC. 104. EXEMPTION AND OTHER PROVISIONS.

(a) **FEDERAL POWER ACT.**—(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of Part I of the Federal Power Act (16 U.S.C. 791a et seq.), except as provided in subsection (b).

(2) The exemption provided by paragraph (1) shall not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b) **SUBSEQUENT TRANSFERS.**—Except for subsequent assignment of interest in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement, upon any subsequent sale or transfer of any portion of Eklutna or Snettisham

from the Eklutna Purchasers or the Snettisham Purchaser to any other person, the exemption set forth in paragraph (1) of subsection (a) of this section shall cease to apply to such portion.

(c) **REVIEW.**—(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than 90 days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the Program, or be barred.

(d) **EKLUTNA LANDS.**—With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(3) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508; 72 Stat. 339), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(e) **SNETTISHAM LANDS.**—With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508; 72 Stat. 339).

(f) **TERMINATION OF ALASKA POWER ADMINISTRATION.**—Not later than one year after both of the sales authorized in section 103 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(g) **REPEALS.**—(1) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date that Eklutna is conveyed to the Eklutna Purchasers.

(2) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date

that Snettisham is conveyed to the Snettisham Purchaser.

(3) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

(h) **DOE ORGANIZATION ACT.**—As of the later of the two dates determined in paragraphs (1) and (2) of subsection (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E) respectively; and

(2) in paragraph (2) by striking out "and the Alaska Power Administration" and by inserting "and" after "Southwestern Power Administration,".

(i) **DISPOSAL.**—The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. App. 1622).

SEC. 105. OTHER FEDERAL HYDROELECTRIC PROJECTS.

The provisions of this title regarding the sale of the Alaska Power Administration's hydroelectric projects under section 103 and the exemption of these projects from Part I of the Federal Power Act under section 104 do not apply to other Federal hydroelectric projects.

And the House agree to the same.

Amendment numbered 2:

That the Senate recede from its disagreement to the amendment of the House numbered 2, 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:

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SEC. 201. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), or Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271-76) to prohibit exports.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code."

SEC. 202. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review three years after the date of enactment of this Act and, within twelve months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

And the House agree to the same.

Amendment numbered 3:

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

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

SEC. 203. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary of Transportation ("Secretary") may make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon ("Commission") in accordance with this section, not to exceed the amount determined in subsection (b)(2).

(b) FINDING AND DETERMINATION.—Before making any grant under this section not earlier than one year after exports of Alaskan North Slope oil commence pursuant to section 201, the Secretary shall—

(1) find on the basis of substantial evidence that such exports are directly or indirectly a substantial contributing factor to the need to levy port district ad valorem taxes under Oregon Revised Statutes section 294.381; and

(2) determine the amount of such levy attributable to the export of Alaskan North Slope oil.

(c) AGREEMENT.—Before receiving a grant under this section for the relief of port district ad valorem taxes which would otherwise be levied under Oregon Revised Statutes section 294.381, the Commission shall enter into an agreement with the Secretary to—

(1) establish a segregated account for the receipt of grant funds;

(2) deposit and keep grant funds in that account;

(3) use the funds solely for the purpose of payments in accordance with this subsection, as determined pursuant to Oregon Revised Statutes sections 294.305-565, and computed in accordance with generally accepted accounting principles; and

(4) terminate such account at the conclusion of payments subject to this subsection and to transfer any amounts, including interest, remaining in such account to the Port of Portland for use in transportation improvements to enhance freight mobility.

(d) REPORT.—Within 60 days of issuing a grant under this section, the Secretary shall submit any finding and determination made under subsection (b), including supporting information, to the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out subsection (a), \$15,000,000 for fiscal year 1997, to remain available until October 1, 2003.

And the House agree to the same.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows:

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

TITLE IV—MISCELLANEOUS

SEC. 401. EMERGENCY RESPONSE PLAN.

(a) IN GENERAL.—Within 15 months after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a plan to Congress on the most cost-effective means of implementing an international private-sector tug-of-opportunity system, including a coordinated system of communication, using existing towing vessels to provide timely emergency response to a vessel in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

(b) COORDINATION.—In carrying out this section, the Commandant, in consultation with the

Secretaries of State and Transportation, shall coordinate with the Canadian Government and the United States and Canadian maritime industries.

(c) ACCESS TO INFORMATION.—If necessary, the Commandant shall allow United States non-profit maritime organizations access to United States Coast Guard radar imagery and responder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

(d) TOWING VESSEL DEFINED.—For the purpose of this section, the term "towing vessel" has the meaning given that term by section 2101(40) of title 46, United States Code.

And the House agree to the same.

Amendment numbered 5:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment, as follows:

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

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. SHORT TITLE.

This title may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended—

(1) by designating the provisions of paragraph (3) as subparagraph (A) of such paragraph (3); and

(2) by inserting after subparagraph (A), as so designated, the following:

"(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, the Secretary may, in order to—

(i) promote development or increased production on producing or non-producing leases; or

(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

"(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated

with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the

arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds \$28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds \$28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds \$3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds \$3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year."

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(1)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (I);

(2) by striking "or" at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) cash bonus bid with royalty at no less than 12 and 1/2 per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or"

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

SEC. 306. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or devel-

opment moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

And the House agree to the same.

Amendment to title:

That the House recede from its amendment to the title of the bill.

For consideration of House amendment No. 1:

DON YOUNG,
KEN CALVERT,
TOM BILEY,

For consideration of House amendment No. 2:

DON YOUNG,
KEN CALVERT,
WILLIAM THOMAS,
TOM BILEY,
HOWARD COBLE,
LEE H. HAMILTON,
JIM OBERSTAR,

For consideration of House amendment No. 3:

FLOYD SPENCE,
JOHN R. KASICH,

For consideration of House amendment No. 4:

TILLIE K. FOWLER,
JIM OBERSTAR,

For consideration of House amendment No. 5:

DON YOUNG,
KEN CALVERT,
Managers on the Part of the House.
FRANK H. MURKOWSKI,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
WENDELL FORD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

House amendment numbered 1 struck title I of the Senate bill. House amendment numbered 2 struck sections 201 through 204 of the Senate bill and inserted the text of H.R. 70, as passed by the House. House amendment numbered 3 struck section 205 of the Senate bill. House amendment numbered 4 struck section 206 of the Senate bill. House amendment numbered 5 struck title III of the Senate bill.

With respect to House amendment numbered 1, 2, 3, 4, and 5, and Senate receded from its disagreement to each House numbered amendment with an amendment.

The differences between the Senate bill, the House amendments, and the amendment agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SENTE BILL

Title I of the Senate bill provides for the sale of the Alaska Power Administration's (APA) assets, at the termination of the APA once the sale occurs. It also provides for the

exemption of the two hydroelectric projects from the licensing requirements of Part I of the Federal Power Act.

HOUSE AMENDMENT NUMBERED 1

The House amendment struck Title I of the Senate bill.

CONFERENCE AGREEMENT

The House receded to the Senate with an amendment.

The Conference Report adopts the Senate language with minor changes. The APA's assets will be sold pursuant to the 1989 purchase agreements between the Department of Energy and the purchasers. The Snettisham hydroelectric project and related assets will be sold to the State of Alaska, the Eklutna hydroelectric project and related assets will be sold jointly to the Municipality of Anchorage, the Chugach Electric Association, and the Matanuska Electric Association. For both projects, the sale price is determined by calculating the net present value of the remaining debt service payments the Treasury would receive if the Federal Government retained ownership.

This provision and the separate formal agreements provide for the full protection of fish and wildlife. The purchasers, the State of Alaska, the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS) have entered into a formal agreement providing for post-sale protection, mitigation, and enhancement of fish and wildlife resources affected by Eklutna and Snettisham. This provision makes that agreement legally enforceable.

As a result of the formal agreements, the Department of Energy, the Department of the Interior, and NMFS all agree that the two hydroelectric projects warrant exemption from the Federal Energy Regulatory Commission (FERC) licensing under Part I of the Federal Power Act. The August 7, 1991, formal purchase agreement states:

NMFS, USFWS and the State agree that the following mechanism to develop and implement measures to protect, mitigate damages to, and enhance fish and wildlife (including related spawning grounds and habitat) *obviate the need for the Eklutna Purchasers and AEA to obtain FERC licenses.* [Emphasis supplied.]

The Alaska Power Administration has 34 people located in the State of Alaska. The purchasers of the two projects have pledges to hire as many of these as possible. For those who do not receive offers of employment, the Department of Energy has pledged it will offer employment to any remaining APA employees, although the DOE jobs are expected to be in the lower 48 States.

The House-passed bill did not contain any comparable provisions. The Conference Agreement adopts the Senate-passed bill with two material changes.

First, section 104(a)(1) of the Conference Agreement provides an exemption for Eklutna and Snettisham only from Part I of the Federal Power Act (hydroelectric licensing), not from the entire Federal Power Act. That was intended by the Senate. By making this change, the Conferees do not intend to imply that the purchasers who are already exempt from other aspects of the Federal Power Act lose that broader exemption. Nor do the Conferees intend to imply that merely by reason of this provision the other parts of the Federal Power Act apply to Eklutna and Snettisham. They apply if they would have applied in the absence of this provision.

Second, new section 104(b) provides that upon sale or transfer of any portion of Eklutna or Snettisham from the purchasers

to any person (i.e. a person other than a purchaser defined in section 102), the exemption from Part I of the Federal Power Act shall cease to apply to that portion of Eklutna or Snettisham. However, the exemption from Part I will continue to apply if the sale or transfer is from one purchaser to another purchaser, as defined in section 102. The elimination of exemption from Part I for a sold or transferred portion of Eklutna or Snettisham does not mandate the licensing of that portion, it only eliminates the exemption from the application of Part I. If licensing is not otherwise required under Part I of the Federal Power Act for that portion, it is not required by reason of section 104(b). The disposition of a portion of the Eklutna or Snettisham assets does not affect the remaining portions. The one exception to this rule is a subsequent assignment of interests in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement will not result in the elimination of the exemption from Part I of the Federal Power Act for that interest.

Sections 104(d) and 104(e) address selection and transfer of Eklutna and Snettisham lands. It is the intent of these provisions that notwithstanding the expiration of the right of the State of Alaska to make selections under section 6 of the Alaska Statehood Act, the State may select lands pursuant to this provision and the Eklutna and Snettisham Purchase Agreements. Likewise, it is the intent of this legislation that the Secretary of the Interior shall convey lands selected by the State of Alaska, notwithstanding any limitations contained in section 6(b) of the Alaska Statehood Act.

The Conferees agree that the circumstances justifying exemption from licensing under Part I of the Federal Power Act for these two Federally-owned hydroelectric projects are unique, and that they would not justify a similar exemption for any other Federally-owned hydroelectric project if sold. The Conferees agree that if other Federally-owned hydroelectric projects whose generation is marketed by other Federal power marketing administrations are privatized, these circumstances would not justify an exemption from Part I. This is reflected in section 105 of the Conference Agreement.

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SENATE BILL

Sections 201 through 204 of Title II of the Senate bill authorized exports of Alaskan North Slope (ANS) crude oil; mandated the filing of additional information in an annual report under the Energy Policy and Conservation Act; and required a study by the General Accounting Office (GAO).

HOUSE AMENDMENT NUMBERED 2

The House amendment similarly authorized exports of ANS crude oil and provided for a GAO study.

CONFERENCE AGREEMENT

The Senate receded to the House language with an amendment.

Under section 201, Committee of Conference recommends authorizing exports of ANS oil under terms substantially similar to, and drawn from, both the Senate bill and the House amendment.

Paragraph (1) authorizes ANS exports, making inapplicable the general and specific restrictions on these exports in Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. §2406(b)), Section 28(u) of the

Mineral Leasing Act of 1920 (30 U.S.C. §185), Section 103 of the Energy Policy and Conservation Act (42 U.S.C. §6212), and the Short Supply regulations issued thereunder. However, the export of the oil can be stopped if the President determines (within five months of the date of enactment) that they would not be in the national interest. (Other statutory restrictions on the export of U.S. crude oil either inapplicable or superseded with respect to ANS exports are 10 U.S.C. §7430 and 29 U.S.C. §1354, restricting exports of crude oil from the Naval Petroleum Reserve and the outer continental shelf.)

Before making the national interest determination, the President must consider an appropriate environmental review (to be completed within four months of enactment). Consistent with the 1973 Trans-Alaska Pipeline Authorization Act, the President also must consider whether exports would diminish the total quantity or quality of petroleum available to the United States. The President must also consider whether exports are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, in particular in noncontiguous States and Pacific territories.

In a comprehensive report submitted to Congress, the Department of Energy found "no plausible evidence of any direct negative environmental impact from lifting the ANS crude export ban." Based on this finding and the weight of the testimony, section 201 of the Conference Agreement directs, as the "appropriate environmental review," an abbreviated four-month study. The environmental review is intended to be thorough and comprehensive, but in light of the prior Department of Energy findings and the compressed time frame, neither a full Environmental Impact Statement nor even a more limited Environmental Assessment is contemplated. If any potential adverse effects on the environment are found, the study is to recommend "appropriate measures" to mitigate or cure them.

In making the national interest determination, the President is authorized to impose appropriate terms and conditions, other than a volume limitation, on ANS exports. However, nothing in this section or Title IV of the Conference Agreement authorizes the imposition of new requirements for oil spill prevention and response in locations which would not be affected by ANS exports, such as the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary.

The Conference Agreement takes cognizance of the changed condition of national oil demand and available oil resources. Title II is intended to permit ANS crude oil to compete with other crude oil in the world market under normal market conditions. To facilitate this competition and in recognition that section 201 specifically precludes imposition of a volume limitation, the President should direct that exports proceed under a general license. In further recognition that some information (such as volume and price) will be needed to monitor exports, the President may wish to impose after-the-fact reporting requirements as may be deemed appropriate by the Secretary of Commerce.

Given the anticipated substantial benefits to the Nation of ANS exports, the Conferees

urge the President to make the national interest determination as promptly as possible. If the President fails to make the required national interest determination within the statutorily imposed deadline, ANS oil exports are authorized without intervening action by the President or the Secretary of Commerce.

Section 201 requires, with limited exceptions, that ANS exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under the terms of a specific bilateral treaty that entered into force in 1979 and exports to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency. The Committee of Conference concurs with the Administration's assessment that the U.S.-flag cargo reservation requirement is consistent with U.S. international obligations and is supported by ample precedent, including in particular a comparable provision in the U.S.-Canada Free Trade Agreement, as implemented under U.S. law.

Section 201 preserves any authority the President may have under the Constitution and the enumerated statutes to prohibit ANS exports in an emergency.

Section 201 also directs the Secretary of Commerce to issue any rules necessary to govern ANS exports within 30 days of the President's national interest determination. In light of the clear benefits to the Nation of ANS exports, the Conferees urge the Secretary of Commerce to promulgate any rules necessary to implement that determination, including any licensing requirements and conditions, contemporaneously with the determination.

Section 201 further provides that, if the Secretary of Commerce (after consulting with the Secretary of Energy) later finds that exports have caused sustained material oil shortages or sustained prices significantly above the world level and that the shortages or high prices have caused or are likely to cause sustained material job losses, the Secretary must recommend appropriate action, including modification or revocation of the authority to export ANS oil. The President has the discretion to adopt, reject, or modify any recommendation made by the Secretary. In recognition that prices fluctuate and supply patterns change under normal market conditions, the authority of the Secretary is limited to addressing activity that causes the specified sustained unanticipated price and supply effects.

Finally, section 201 provides that administrative action is not subject to notice and comment rulemaking requirements or other requirements of the Administrative Procedures Act.

Under section 202, the Committee of Conference recommends that a GAO report be submitted four years after the date of enactment. The report must contain a statement of principal findings and recommendations to address job loss in the shipbuilding and ship repair industry on the West Coast and Hawaii, if any, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, if any, that the Comptroller General attributes to ANS exports. The Committee believes that the market should be given a reasonable period of time to operate before submission of the report. The Conferees want to be sure the Comptroller General has a solid basis on which to make his analysis and offer any recommendations for Congress and the President.

SENATE BILL

Section 205 of Title II provided for the retirement of certain costs incurred for the

construction of a non-Federal publicly-owned shipyard.

HOUSE AMENDMENT

House amendment numbered 3 struck section 205 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as section 203).

Under section 203(a) of the conference amendment, the Secretary of Transportation is authorized to make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon. The grants may be used only for the relief of port district ad valorem taxes that would otherwise be levied under Oregon law. In addition, at the conclusion of the grant payments under this section, any remaining funds (plus interest) would be transferred to the Port of Portland for making transportation improvements to enhance freight mobility.

Under subsection (b), before issuing any grant, the Secretary must find on the basis of substantial evidence that Alaskan North Slope oil exports are a contributing factor to the need to levy certain port district taxes. In addition, the Secretary must determine the amount of the tax levy attributed to the oil exports. The amount of the grants is limited to the amount of the tax levy attributed to the oil exports.

Before receiving any grant under this section, subsection (c) requires the Commission (by agreement with the Secretary) to establish a separate account for the funds, to use the funds as directed, and to terminate the account and transfer any remaining funds to the Port of Portland at the conclusion of the grants.

Under Subsection (d), the Secretary must report to the relevant Congressional Committees on any findings and determinations made under subsection (b) within 60 days of issuing a grant under this section.

Subsection (e) provides an authorization for appropriations of up to \$15 million for fiscal year 1997, to remain available until October 1, 2003.

SENATE BILL

Section 206 of the Senate bill included a provision that would amend Title VI of the Oil Pollution Act of 1990 (OPA '90) by adding a new section 6005 that would impose a requirement for an additional towing vessel to be listed in, and available to respond under, vessel response plans developed in accordance with section 311(j) of the Federal Water Pollution Control Act (FWPCA), as amended by OPA '90, for tank vessels operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca near the coastline of the State of Washington. In particular, the provision would require an emergency response tugboat capable of towing tank vessels, initial firefighting, and initial oil spill response to be repositioned in the area of Neah Bay, the western-most harbor in the Strait.

HOUSE AMENDMENT

The House amendment numbered 4 struck section 206 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as Title IV of this Act). See explanation below.

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SENATE BILL

Title III of the Senate bill would provide royalty relief for leases on Outer Continental

Shelf tracts in deep water in certain areas of the Gulf of Mexico.

HOUSE AMENDMENT

The House amendment numbered 5 struck title III of the Senate bill.

CONFERENCE AGREEMENT

The Senate recedes from its disagreement with the House with an amendment.

The amendment agreed to by the committee of conference is the text of Title III of S. 395 as passed by the Senate with several technical corrections and a new provision clarifying that nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

TITLE IV—MISCELLANEOUS

OPA '90 contemplates a comprehensive approach to oil spill prevention and response, with the Coast Guard given an instrumental role in implementing all aspects of that Act. In addition to establishing a new liability and compensation scheme for oil spills, OPA '90 amended existing law to broaden the Coast Guard's authority under the Ports and Waterways Safety Act (PWSA) regarding navigation and vessel safety and protection of the marine environment and the FWPCA regarding oil spill prevention and response. Under OPA '90 (as delegated by the President), the Coast Guard is the principal Federal agency charged with conducting Federal removal and prevention activities in coastal areas. Accordingly, the Committee of Conference believes that the Coast Guard is the most appropriate agency to evaluate emergency response services in the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca.

Subsection (a) of title IV requires the Commandant of the Coast Guard to submit to Congress within fifteen months of enactment a plan on the most cost effective means of implementing an international private-sector tug-of-opportunity system to utilize existing towing vessels to provide emergency response services to any vessel (including a tank vessel) in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

Subsection (b) provides that the Commandant, in consultation with the Secretaries of the State and Transportation, is to coordinate with the Canadian Government and with both Canadian and American maritime industries.

Subsection (c) provides that if necessary, the Commandant is to allow United States non-profit maritime organizations access to Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

Subsection (d) provides for the definition of "towing vessel" as that term is defined under title 46, United States Code. Section 2101(40) of title 46, United States Code, defines towing vessels to mean "a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside." The reference to this section ensures that, at a minimum, all commercial towing vessels are included in the definition and, therefore, are covered by the provisions of this section.

Section 206 of the Senate bill was developed to respond to a perceived threat to the marine environment of Puget Sound and the Straits of Juan de Fuca from tank vessel

traffic. The Committee of Conference believes that, absent convincing information to the contrary, the marine environment of Puget Sound is adequately protected under the existing vessel response plan requirement found in FWPCA, as amended by OPA '90. The Senate provision is therefore unnecessary because the Coast Guard's existing authority under OPA '90 to prevent and respond to oil spills, as well as under PWSA and FWPCA (particularly as those two statutes have been amended by the OPA '90), to evaluate and to impose vessel operating requirements to minimize the risks of navigation and vessel safety and risks to the marine environment is fully sufficient to address the needs of the waterways of the United States, including Puget Sound and the Strait of Juan de Fuca.

Accordingly, the Committee of Conference does not believe that the mandate implicit in the Senate provision is required nor is it related to any authorization to export Alaskan North Slope crude oil. The Committee believes that the more appropriate step is to require the Coast Guard to examine the most cost-effective method to use existing towing vessel resources in a tug-of-opportunity system within the authority of existing law to respond to any vessel (including a tank vessel in distress). Consequently, nothing in this section or in section 201 is intended to authorize the President or the Coast Guard to impose additional oil spill preventing and response requirements in the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary in excess of those in the relevant Area Contingency Plan for those areas as a result of requiring the Commandant to submit this plan to Congress nor to impose requirements under any national interest determination or implementing regulations regarding the export of Alaskan oil.

For consideration of House amendment No. 1:

DON YOUNG,
KEN CALVERT,
TOM BLILEY,

For consideration of House amendment No. 2:

DON YOUNG,
KEN CALVERT,
WILLIAM THOMAS,
TOM BLILEY,
HOWARD COBLE,
LEE H. HAMILTON,
JIM OBERSTAR,

For consideration of House amendment No. 3:

FLOYD SPENCE,
JOHN R. KASICH,

For consideration of House amendment No. 4:

TILLIE K. FOWLER,
JIM OBERSTAR,

For consideration of House amendment No. 5:

DON YOUNG,
KEN CALVERT,
Managers on the Part of the House.

FRANK H. MURKOWSKI,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
WENDELL FORD,

Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. BOEHNER.
Mr. PALLONE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1097. An act to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building," and for other purposes; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 7, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1595. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Kelly Air Force Base, TX, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1596. A letter from the Secretary, Department of the Treasury, transmitting a copy of the sixth monthly report pursuant to 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.

1597. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to authorize financial institutions to disclose to the Office of Personnel Management the names and current addresses of their customers who are receiving, by direct deposit or electronic fund transfer, payments of Civil Service retire-

ment benefits under chapter 83 or Federal employees' retirement benefits under chapter 84 of title 5, United States Code; to the Committee on Banking and Financial Services.

1598. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting semiannual reports on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Thrift Depositor Protection Oversight Board, pursuant to 12 U.S.C. 1414a(k); to the Committee on Banking and Financial Services.

1599. A letter from the 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-60-95), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on International Relations.

1600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Israel (Transmittal No. DTC-58-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1601. A letter from the 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-65-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Egypt (Transmittal No. DTC-59-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to the Netherlands (Transmittal No. DTC-5-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Israel (Transmittal No. MC-1-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-146, "Rental of Public Structures in Public Space Temporary Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1606. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's 1995 annual report, pursuant to 16 U.S.C. 1404; to the Committee on Government Reform and Oversight.

1607. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Agency's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1608. A letter from the Office of Special Counsel, transmitting the annual report for

fiscal year 1995, pursuant to Public Law 101-12, section 3(a)(11) (103 Stat. 29); to the Committee on Government Reform and Oversight.

1609. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the report to the President and Congress 1994-95, pursuant to 16 U.S.C. 470(b); to the Committee on Resources.

1610. A letter from the Chair, Administrative Conference of the United States, transmitting a copy of the report entitled: "Building Consensus in Agency Rulemaking: Implementing the Negotiated Rulemaking Act," pursuant to 5 U.S.C. 569(d)(3); to the Committee on the Judiciary.

1611. A letter from the Chairman, Administrative Conference of the United States, transmitting the report on agency activity under the Equal Access to Justice Act for the period October 1, 1993, through September 30, 1994, pursuant to 5 U.S.C. 504(e); to the Committee on the Judiciary.

1612. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Oil Pollution Prevention Training Study," pursuant to Public Law 101-380, section 4117 (104 Stat. 523); to the Committee on Transportation and Infrastructure.

1613. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for accrual accounting of retirement costs for Federal civilian employees, and for other purposes; jointly, to the Committees on Government Reform and Oversight, International Relations, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2437. A bill to provide for the exchange of certain lands in Gilpin County, CO; with an amendment (Rept. 104-305). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1838. A bill to provide for an exchange of lands with the Water Conservancy

District of Washington County, UT (Rept. 104-306). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1585. A bill to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes (Rept. 104-307). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1581. A bill to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the city of Sumpter, OR (Rept. 104-308). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 924. A bill to prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill (Rept. 104-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 207. A bill to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, CA, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes; with an amendment (Rept. 104-310). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2539. A bill to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes; with an amendment (Rept. 104-311). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on S. 395. An act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes (Rept. 104-312). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted November 3, 1995]

H.R. 994. The Committee on Commerce discharged. Referred to the Committee on the Judiciary extended for a period ending not later than November 7, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. DURBIN, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. LAFALCE, Mr. LIPINSKI, and Miss COLLINS of Michigan):

H.R. 2585. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on smokeless tobacco to an amount equivalent to the tax on cigarettes and to use the resulting revenues to fund a trust fund for programs to reduce the use of smokeless tobacco; 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.

ADDITIONAL SPONSORS

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

- H.R. 44: Mr. WELDON of Florida.
H.R. 632: Mr. BRYANT of Texas.
H.R. 773: Mr. BISHOP.
H.R. 1046: Mr. EVANS, Mr. FOGLIETTA, Mr. CLEMENT, and Mrs. LOWEY.
H.R. 1834: Mrs. CUBIN and Mr. LUCAS.
H.R. 1971: Mr. SCHUMER.
H.R. 2008: Mr. WAXMAN.
H.R. 2463: Mr. OWENS.
H.R. 2535: Mr. STUMP.
H.R. 2551: Mr. JEFFERSON.

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EXTENSIONS OF REMARKS

TRIBUTE TO CLARK KOLP

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1995

Mr. BOEHNER. Mr. Speaker, I want to recognize Mr. Clark Kolp, who is retiring as the Van Wert County Republican chairman.

Carl Kolp served his country during World War II as a navigator in the European theater. He later served his country and the citizens of Ohio as administrative assistant to Bill O'Neill when he served as both attorney general and Governor. Over his political career, Clark has built a reputation as a strong manager and a leader. He continued his tradition of civic service by serving as Van Wert County Republican Party chairman.

Gentle, serious and always brutally honest, you can count on Clark to "give it to you straight." Like the father of the Republican Party, Abraham Lincoln, Clark values honesty and integrity. At a time when these values are certainly not synonymous with politics, Clark led the Van Wert County Republicans with a steady hand and honest approach to do the right thing.

Abraham Lincoln said, "Stand with anybody that stands right. Stand with him while he is right and part with him when he goes wrong." Like Abe Lincoln, Clark Kolp attained success, admiration, and a positive image by maintaining his integrity and honesty. Although there may have been some who questioned his political affiliations or strategies, they never doubted his integrity.

It is no coincidence that Van Wert County is a bastion of Republican voters. It just didn't happen. Clark Kolp made it happen. For years, Clark has worked to promote Republican values and elect those who share his vision for better government. Clark is known throughout the State of Ohio. Here is the political veteran who GOP leaders throughout the State seek out for wisdom when running for office.

Mr. Speaker, it is with great pride and admiration that I rise to recognize Clark Kolp for his service as Van Wert County Republican chairman. For those of us who know him for his service to his community and to his country, we are grateful. For those of us who are fortunate to call him our friend, may God bless him with a long and fruitful retirement.

THE 10TH ANNIVERSARY OF
BROOKDALE COLLEGE'S
GUAYAQUIL, ECUADOR, LEARNING
CENTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1995

Mr. PALLONE. Mr. Speaker, this year marks the 10th anniversary of the Guayaquil Learning Center in Guayaquil, Ecuador. The learning center is under the auspices of Brookdale Community College in Lincroft, NJ, a wonderful educational facility which serves thousands of my constituents. I am extremely proud to extend my congratulations to Brookdale, the County College of Monmouth, on this important occasion.

Mr. Speaker, the program in Ecuador was established in September 1985 with 29 students. Over the past 10 years, the center has served 1,481 students. Located in the Los Ceibos neighborhood of Guayaquil, the center provides college counseling for local residents, an intensive Spanish language program for Monmouth County residents, and a volunteer social service program for residents of our county. In addition, the center provides an international study site for more than 120 students a year from colleges all over the United States. The center serves two major consortia: The College Consortium for International Studies, which includes 170 colleges, and the Partnership for Service Learning, consisting of 155 colleges. Many U.S. colleges have selected the center as their study site in Latin America. The University of South Carolina and Florida Atlantic University have selected the center as a site to offer their programs in business administration. Guayaquil is one of the biggest international U.S. community college programs in the world.

But, Mr. Speaker, the services provided by the Guayaquil Center do not only benefit New Jerseyans or others from around the United States. The center is also a study site for some 450 Ecuadorian students before they transfer to Brookdale and more than 600 other colleges in the United States. Thus, we can clearly see that the Guayaquil Center provides excellent educational opportunities for people from both cultures.

While the success of Guayaquil Center is a tribute to the energy and talents of many people, I would like to pay tribute to some of the principals involved both in the opening and currently. Dr. Bob Barringer, Dr. Margaret Gwynne, Dr. Gregory DeCinque, Arnold Gelfman, James V. Palumbo, Elaine Baran, and Albert Eyde were involved in the founding of the program. Currently involved are Dr. Johanna Kobran, Paul Zigo, Harvey Schmelter-Davis, and Al Eyde. Brookdale's president, Dr. Peter Burnham, also deserves great credit for his leadership.

Mr. Speaker, the Guayaquil Learning Center places Brookdale Community College as a leader in international education. For me, and all people of Monmouth County, it is yet another reason for great pride in our excellent county college, which provides educational opportunities for people of all ages and interests. I am honored to pay tribute to Brookdale on the occasion of the 10th anniversary of the Guayaquil Learning Center.

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, November 7, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 8

- 9:00 a.m.
Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings to examine the courthouse construction program. SD-342
- 9:30 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1324, to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and to consider pending nominations. SD-430
- 10:00 a.m.
Judiciary
To hold hearings to examine mandatory victim restitution. SD-226

● 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.

2:00 p.m.

Small Business

To hold joint hearings with the House Committee on Small Business to examine small business concerns regarding railroad consolidation.

1100 Longworth Building

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

NOVEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Walnut Canyon National Monument in Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in Colorado, S. 364 and H.R. 629, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, and S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts.

SD-366

Governmental Affairs

To hold hearings on H.R. 1271, to provide protection for family privacy.

SD-342

Select on Intelligence

To hold hearings to assess the damage to U.S. intelligence activities resulting from the Adler Ames case.

SD-G50

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

NOVEMBER 14

10:00 a.m.

Judiciary

To hold hearings to examine the operation of the Office of the Solicitor General.

SD-226

NOVEMBER 16

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

CANCELLATIONS

NOVEMBER 9

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Wal-

nut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 629, the Fall River Visitor Center Act.

SD-366

NOVEMBER 15

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

SD-226