# Union Calendar No. 484

104TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 104–882

# REPORT ON THE ACTIVITY

OF THE

# COMMITTEE ON COMMERCE

FOR THE

# ONE HUNDRED FOURTH CONGRESS

JANUARY 2, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## COMMITTEE ON COMMERCE

ONE HUNDRED FOURTH CONGRESS

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
ELIOT L. ENGEL, New York

(II)

## LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
*Washington, DC, January 2, 1997.*

Hon. ROBIN H. CARLE,
*Clerk, House of Representatives, Washington, DC.*

DEAR MS. CARLE: I present herewith a report on the activity of the Committee on Commerce for the 104th Congress, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee.

Sincerely,

THOMAS J. BLILEY, JR., *Chairman.*

(III)

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# REPORT ON THE ACTIVITY OF THE COMMITTEE ON COMMERCE FOR THE 104TH CONGRESS

JANUARY 2, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

## REPORT

The Committee on Commerce, reports herewith on its activities during the 104th Congress, in accordance with the Legislative Reorganization Act of 1946, as amended by Public Law 92-136 (2 U.S.C. 190(d)), rule X(2)(b).

### JURISDICTION OF THE COMMITTEE ON COMMERCE

(1) Biomedical research and development.
(2) Consumer affairs and consumer protection.
(3) Health and health facilities, except health care supported by payroll deductions.
(4) Interstate energy compacts.
(5) Interstate and foreign commerce generally.
(6) Measures relating to the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.
(7) Measures relating to the conservation of energy resources.
(8) Measures relating to energy information generally.
(9) Measures relating to (A) the generation and marketing of power (except by federally chartered or Federal regional power marketing authorities), (B) the reliability and interstate transmission of, and ratemaking for, all power, and (C) the siting of generation facilities; except the installation of interconnections between Government waterpower projects.

(10) Measures relating to general management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission.
(11) National energy policy generally.
(12) Public health and quarantine.
(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.
(14) Regulation of interstate and foreign communications.
(15) Securities and exchanges.
(16) Travel and tourism.

The Committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of nonnuclear facilities and of use of nonnuclear energy. In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight functions under clause 2(b)(1)), such committee shall have the special oversight functions provided for in clause (3)(h) with respect to all laws, programs, and Government activities affecting nuclear and other energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

The Committee on Commerce shall have the function of reviewing and studying on a continuing basis, all laws, programs and government activities relating to nuclear and other energy.

## RULES FOR THE COMMITTEE ON COMMERCE, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS

*Rule 1. General Provisions.*

(a) Rules of the Committee. The Rules of the House are the rules of the Committee on Commerce (hereinafter "the Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

*Rule 2. Time and Place of Meetings.*

(a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay or defer any meeting required under this section, after consultation with the ranking minority member.

(b)(1) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(b)(2) Special Meetings. If at least three members of the Committee or subcommittee (whichever is applicable) desire that a special meeting of the Committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the Committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee or subcommittee (whichever is applicable) may file in the offices of the Committee their written notice that a special meeting of the Committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(c) Vice Chairman; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(e) Regular Meeting of the Chairmen. At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the Committee and the procedures for Committee and subcommittee consideration of such matters. The discussion

may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction, and the conduct of joint subcommittee hearings.

*Rule 3. Agenda.*

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee by delivery to his or her office at least 36 hours in advance of such meeting.

*Rule 4. Procedure.*

(a)(1) The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays and legal holidays) in advance of the commencement of such meeting.

(B) The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or a subcommittee, at least 2 working days in advance of his or her appearance, 75 copies of a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of the argument, unless this requirement, or any part thereof, is waived by the Committee or subcommittee chairman or the presiding member.

(c) The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the

legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening statements by members at the beginning of any hearing of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members.

*Rule 5. Waiver of Agenda, Notice, and Layover Requirements.*

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

*Rule 6. Quorum.*

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the Committee or subcommittee, as the case may be, except that a matter may not be reported by the Committee or a subcommittee unless a majority of the members thereof is actually present.

*Rule 7. Prohibition Against Proxy Voting.*

No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

*Rule 8. Journal, Rollcalls.*

(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the

Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the rule.

*Rule 9. Filing of Committee Reports.*

If, at the time of approval of any measure or matter by this Committee, any member or members of the Committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the Committee. All such views so filed shall be included within and shall be a part of the report filed by the Committee with respect to that measure or matter.

*Rule 10. Subcommittees.*

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

*Rule 11. Powers and Duties of Subcommittees.*

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

*Rule 12. Reference of Legislation and Other Matters.*

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the Committee within 5 legislative days, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittees having legislative or oversight jurisdiction.

*Rule 13. Ratio of Subcommittees.*

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each sub-

committee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

*Rule 14. Subcommittee Membership.*

(a) The majority party members of the standing subcommittees shall be selected by a process determined by the majority party members. The selection of majority party members of the standing subcommittees shall be conducted at a meeting of the majority party caucus of the Committee held prior to any organizational meeting of the Committee.

(b) The minority party members of the standing subcommittees shall be selected by a process determined by the minority party members. The selection of minority party members of the standing subcommittees shall be conducted prior to any organizational meeting of the Committee.

(c) The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members.

*Rule 15. Subcommittee Chairmen.*

(a) The chairman shall nominate a slate of chairmen for the standing subcommittees. The chairman's slate shall be subject to approval by a majority of the majority party caucus of the Committee. If the chairman's initial slate is not approved by a majority, the chairman shall present an alternative slate of nominations until a slate is approved by a majority of the majority party caucus.

(b) The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

(c) The chairman of the Committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

*Rule 16. Committee Professional and Clerical Staff Appointments.*

(a) Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee

business as the minority party members of the Committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff .

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

*Rule 17. Supervision, Duties of Staff.*

(a) The professional and clerical staff of the Committee not delegated to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

*Rule 18. Committee Budget.*

(a) The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 104th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized

by the House. No proposed Committee budget may be submitted to the House Committee on Oversight unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the House Committee on Oversight, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

*Rule 19. Broadcasting of Committee Hearings.*

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by him in accordance with the Rules of the House.

*Rule 20. Comptroller General Audits.*

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

*Rule 21. Subpoenas.*

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the Committee or subcommittee (as the case may be), a quorum being present. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. Subpoenas may be issued over the signature of the chairman of the Committee, or any member of the Committee authorized by such chairman, and may be served by any person designated by such chairman or member. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than 1 week after service of such subpoena.

*Rule 22. Travel of Members and Staff.*

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and

staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; and (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

# MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON COMMERCE

ONE HUNDRED FOURTH CONGRESS

(Ratio: 27-22)

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana[3]
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia[2]
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois[4]
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico[5]
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
ELIOT L. ENGEL, New York[7]

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[1] Steve Largent (R-OK) was assigned to the Committee on Commerce for seniority purposes (after Mr. Cox) but served on the Committee on the Budget for 104th Congress. When Mr. Deal was elected to the Committee on Commerce, Mr. Largent's listing for seniority purposes was changed to after Mr. Deal, rather than after Mr. Cox.

[2] Nathan Deal (R-GA) was elected to the Committee on Commerce on May 10, 1995, pursuant to H. Res. 143, which passed the House on May 10, 1995.

[3] W.J. "Billy" Tauzin (R-LA) was elected as a Republican Member to the Committee on Commerce on September 12, 1995, pursuant to H. Res. 217, which passed the House on September 12, 1995.

[4] Cardiss Collins (D-IL) was elected to the Committee on Commerce for the 104th Congress on September 27, 1995, pursuant to H. Res. 229, which passed the House on September 27, 1995. Previously, Mrs. Collins had been on sabbatical leave from the Committee since the beginning of the 104th Congress.

[5] Bill Richardson (D-NM) was elected to the Committee on Commerce for the 104th Congress on September 27, 1995, pursuant to H. Res. 229, which passed the House on September 27, 1995. Previously, Mr. Richardson had been on sabbatical leave from the Committee since the beginning of the 104th Congress.

[6] Ron Wyden (D-OR) resigned as a Member of the House of Representatives on February 6, 1996; he was subsequently sworn in as a United States Senator on the same date.

[7] Eliot L. Engel (D-NY) was elected to the Committee on Commerce for the 104th Congress on April 22, 1996, pursuant to H. Res. 408, which passed the House on April 22, 1996.

COMMITTEE STAFF

JAMES E. DERDERIAN, *Chief of Staff*
CHARLES L. INGEBRETSON, *General Counsel*
JAMES D. BARNETTE, *Counsel*
ERIC S. BERGER, *Professional Staff Member*
MATTHEW P. BOSHER, *Staff Assistant*
MARIE ELENA BURNS, *Administrative Coordinator*
DWIGHT CATES, *Research Assistant*
DAVID L. CAVICKE, *Counsel*
JOHN J. CLOCKER, *Systems Administrator*
HOWARD COHEN, *Counsel*
JOHN J. COHRSSEN, *Counsel*
MICHAEL COLLINS, *Director of Communications*
JOHN PENN CRAWFORD, *Staff Assistant*
NORA DEMIRJIAN, *Staff Assistant*
SHANAN D. DUNN, *Staff Assistant*
FREDERICK R. EAMES, *Counsel*
BRIAN MATTHEW ELMS, *Staff Assistant*
B. PAIGE ESTEP, *Professional Staff Member*
FERNANDA DAU FISHER, *Junior Counsel*
MICHAEL P. FLOOD, JR., *Legislative Clerk*
HAROLD FURCHTGOTT-ROTH, *Chief Economist*
GABRIELE A. GLYNN, *Personnel Specialist*
ROBERT GORDON, *Counsel*
CHRISTINA K. GUNGOLL, *Deputy Communications Director*
ANTHONY B. HABIB, *Legislative Clerk*
HUGH NATHANIAL HALPERN, *Professional Staff Member*
EDWARD D. HEARST, *Counsel*
JAMES ALAN HILL, *Legislative Clerk*
RODNEY C. HOPPE, *Deputy Press Secretary*
STEVEN IRRIZARRY, *Counsel*
JOSEPH T. KELLIHER, *Counsel*
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BRIAN MCCULLOUGH, *Legislative Analyst*
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LINDA DALLAS RICH, *Counsel*
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JOHN MARC WHEAT, *Counsel*
KRISTINA TANASICHUK WHITE, *Professional Staff Member*
CYNTHIA M. WILKINSON, *Counsel*
CHRISTOPHER R. WOLF, *Research Assistant*
C. CHANCE WRIGHT, *Staff Assistant*

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DENNIS B. FITZGIBBONS, *Minority Deputy Staff Director*
REID P.F. STUNTZ, *Minority General Counsel*
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RICHARD A. FRANDSEN, *Minority Counsel*
ALISON T. BERKES, *Minority Counsel*
CANDACE E. BUTLER, *Assistant Minority Clerk/LAN Administrator*
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TIMOTHY J. FORDE, *Minority Counsel*
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NICK KARAMANOS, *Minority Staff Assistant*
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ANDREW W. LEVIN, *Minority Counsel*
D. ELAINE SHEETS, *Minority Senior Secretary*
SUE D. SHERIDAN, *Minority Counsel*
BRIDGETT E. TAYLOR, *Minority Professional Staff Member*
WILLIAM F. TYNDALL, *Minority Counsel*

## SUBCOMMITTEE MEMBERSHIPS AND JURISDICTIONS

### SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 17-14)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
W.J. "BILLY" TAUZIN, Louisiana
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
RICK BOUCHER, Virginia
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
CARDISS COLLINS, Illinois
BILL RICHARDSON, New Mexico
ELIOT L. ENGEL, New York
THOMAS J. MANTON, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* Interstate and foreign telecommunications including but not limited to, all telecommunication and information transmission by broadcast, radio, wire, microwave, satellite, or other mode; securities and finance.

### SUBCOMMITTEE ON COMMERCE, TRADE, AND HAZARDOUS MATERIALS

(Ratio 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
FRED UPTON, Michigan
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

THOMAS J. MANTON, New York
EDWARD J. MARKEY, Massachusetts
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BART STUPAK, Michigan
BILL RICHARDSON, New Mexico
PETER DEUTSCH, Florida
ELIOT L. ENGEL, New York
BOBBY L. RUSH, Illinois
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* Solid Waste, hazardous waste and toxic substances, including Superfund and RCRA (excluding mining, oil, gas, and coal combustion wastes); noise pollution control; interstate and foreign commerce, including trade matters within the jurisdiction of the full committee; motor vehicle safety; regulation of commercial practices (the FTC); insurance, except health insurance; consumer protection in general, consumer product safety (the CPSC) and product liability; regulation of travel, tourism, and time.

## SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
CHARLIR NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
EDOLPHUS TOWNS, New York
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, Jr., New Jersey
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; foods and drugs; drug abuse; Clean Air Act and environmental protection in general, including the Safe Drinking Water Act.

## SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 14-11)

DAN SCHAEFER, Colorado, *Chairman*

MICHAEL D. CRAPO, Idaho
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
GARY A. FRANKS, Connecticut
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New jersey
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
THOMAS J. MANTON, New York
BART GORDON, Tennessee
PETER DEUTSCH, Florida
BART STUPAK, Michigan
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* National energy policy generally; fossil energy, renewable energy resources and synthetic fuels; energy conservation; energy regulation and utilization; utility issues and regulation of nuclear facilities; nuclear energy and waste; mining, oil, gas, and coal combustion wastes; all laws, programs, and government activities affecting such matters.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
ANNA G. ESHOO, California
ELIZABETH FURSE, Oregon
ELIOT L. ENGEL, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* Responsibility for oversight of agencies, departments and all programs within the jurisdiction of the full committee, and for conducting investigations within such jurisdiction.

## LEGISLATIVE AND OVERSIGHT ACTIVITY OF THE COMMITTEE

During the 104th Congress, 810 bills were referred to the Committee on Commerce. The Full Committee reported 65 measures to the House (not including conference reports). The Committee also approved and transmitted to the Committee on the Budget 9 measures, including H.R. 2425, the Medicare Preservation Act of 1995, for inclusion in H.R. 2491, the Balanced Budget Act of 1995, and two Committee Prints for inclusion in the H.R. 3734, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Sixty-five measures regarding issues within the Committee's jurisdiction were enacted into law.

In areas as diverse as telecommunications, securities, the environment, and health care, the Committee's activities resulted in the enactment of legislation that is intended to result in a more effective, less expensive, and more accountable government.

The enactment of the Telecommunications Act of 1996 represents a comprehensive reform of the Communications Act of 1934 and moves Federal telecommunications laws and regulations into the 21st Century. In the securities area, the National Securities Market Improvement Act of 1996 represents the first major overhaul of America's securities laws since their enactment over sixty years ago. In addition, the Private Securities Litigation Reform Act of 1995 addresses the high cost of frivolous lawsuits in an effort to protect American companies, investors, and workers.

With respect to the environment, the Safe Drinking Water Act Amendments of 1996 and the Food Quality Protection Act of 1996 were enacted to protect the safety of America's drinking water and food supply.

The Committee played a leading role in the passage of the Health Insurance Portability and Accountability Act, which was enacted to make health care more responsive, efficient, and affordable. Extension of the Medicare Select Program preserves the savings enjoyed by the seniors enrolled in the program and empowers Medicare recipients nationwide with the ability to choose the most effective and least expensive supplementary care available. Finally, the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 represents a major reform of the Nation's welfare system.

The Committee also focused significant time and effort in several areas which will continue to be the focus for legislative activity in the 105th Congress, including reform of the Superfund Program, enhancement of competition in the electric utility industry, preservation and stabilization of the Medicare Program, restructuring of the Medicaid Program, and reform of the Food and Drug Administration.

The Committee also conducted oversight activities in many areas as part of its commitment to (1) closely monitor the expenditure of

Federal funds by the departments and agencies under its jurisdiction and (2) examine the implementation and enforcement of the various laws under the Committee's jurisdiction to determine where reforms may be needed to eliminate unnecessary or burdensome regulations. These activities included a comprehensive review of the Food and Drug Administration's day-to-day operations; waste, fraud, and abuse in the Nation's health care system; Department of Energy travel expenditures and related financial issues; and the implementation and enforcement of the Clean Air Act Amendments of 1990.

The following is a summary of the legislative and oversight activities of the Committee on Commerce during the 104th Congress, including a summary of the activities taken by the Committee to implement its Oversight Plan for the 104th Congress.

## COMMITTEE ON COMMERCE

FULL COMMITTEE

(Ratio: 27-22)

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
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ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
ELIOT L. ENGEL, New York

## LEGISLATIVE HEARINGS

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

(H.R. 3507)

To restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, meet the health care needs of America's most vulnerable citizens, control welfare and Medicaid spending, and increase State flexibility.

*Summary*

H.R. 3507 is a two-part bill providing for the reform and restructuring of the Welfare and Medicaid Programs. Division A deals with the nonmedical welfare provisions of current law. Division B, the Medicaid Restructuring Act of 1996, deals with the Medicaid Program and includes some of the Medicaid restructuring recommendations contained in the Unanimous Bipartisan National

Governors Association Medicaid Restructuring Proposal adopted on February 6, 1996.

Division B of H.R. 3507 amends the Social Security Act to add a new title XV, Program of Medical Assistance for Low-Income Individuals and Families. Division B establishes a mechanism to provide funds to States for the provision of medical assistance to low-income individuals and families. Persons for whom such medical assistance is guaranteed under this plan include: (1) certain poor pregnant women; (2) the disabled; (3) poor elderly individuals; and (4) children receiving foster care or adoption assistance. The plan also guarantees the provision of a specified benefits package to recipients, in addition to guaranteed coverage of Medicare premiums and cost-sharing for certain Medicare beneficiaries.

Other provisions of the plan include: (1) nominal cost-sharing for children and pregnant women with regard to primary and preventive care services; (2) the prevention of spousal and family impoverishment with regard to long-term care; (3) State flexibility in benefits, provider payments, geographical coverage area, and selection of providers; (4) coverage of abortions only for pregnancies resulting from rape or incest or when a woman suffers from a physical disorder, illness, or injury that would, as certified by a physician, place the woman in danger of death unless an abortion is performed; (5) denial of payment under the State Medicaid plan for any item or service furnished for euthanasic purposes; (6) limitation on payments for Medicaid services to nonlawful aliens, generally allowing treatment only in emergency situations; (7) periodic, independent evaluations and audits; (8) a separate fraud prevention program, as well as, under certain conditions, State fraud control units; (9) an information reporting system with regard to actions taken by State licensing authorities against health care practitioners and providers; (10) quality assurance requirements for nursing facilities, as well as requirements relating to residents' rights; and (11) an optional master drug rebate agreement program for covered outpatient drugs of a manufacturer.

*Legislative History*

H.R. 3507 was introduced in the House on May 22, 1996, by Representatives Archer, Bliley, Roberts, Shaw, Bilirakis, Emerson, Camp, McCrery, Collins of Georgia, English of Pennsylvania, Nussle, Dunn of Washington, Ensign, Laughlin, and Deal of Georgia. The bill was referred to Committee on Ways and Means, and in addition to the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on National Security, the Committee on International Relations, and the Committee on the Budget.

Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment and the Subcommittee on Energy and Power on May 24, 1996, for a period ending not later than June 7, 1996. On June 7, 1996, the Subcommittee on Health and Environment and the Subcommittee on Energy and Power were discharged from further consideration of H.R. 3507. On June 11, 1996, the Committee on Commerce held a Full Committee

legislative hearing on H.R. 3507. Witnesses at the hearing included the Secretary of Health and Human Services and representatives of the Commonwealth of Virginia, the American Hospital Association, and the Long Term Care Campaign, a coalition of more than 140 national organizations representing long term care recipients and providers. Prior to this hearing, the Full Committee also held two oversight hearings on the National Governors Association Medicaid Restructuring Proposal on February 21, 1996, and March 6, 1996.

No further action was taken on H.R. 3507 in the 104th Congress. However, on June 13, 1996, the Full Committee considered and approved two Committee Prints pertaining to Medicaid Restructuring and Welfare Reform for transmittal to the Committee on the Budget for inclusion in the FY 1997 Medicaid and Welfare Reform Act. These Committee Prints were largely based on the provisions of H.R. 3507 which fell within the jurisdiction of the Committee on Commerce.

The first Committee Print, entitled "Title II, Subtitle A—Medicaid Restructuring Act of 1996" was ordered transmitted to the Committee on the Budget, as amended, by a roll call vote of 26 yeas to 14 nays.

The second Committee Print, entitled "Title II, Subtitle B—Other Provisions" was ordered transmitted to the Committee on the Budget, as amended, by a voice vote. The second Committee Print contained provisions dealing with: (1) energy assistance; (2) involvement of the Committee on Commerce in Federal government position reductions; and (3) restricting public benefits for aliens.

The provisions of these two Committee Prints were included in the text of Title II of H.R. 3734, the Welfare and Medicaid Reform Act of 1996, as reported to the House by the Committee on the Budget on June 27, 1996 (H. Rpt. 104-651; H. Rpt. 104-651, Errata Report). For the legislative history of H.R. 3734, see the discussion of that bill in the Subcommittee on Health and Environment section of this report.

## OVERSIGHT HEARINGS

### DEVELOPMENTS IN MUNICIPAL FINANCE DISCLOSURE

The Committee on Commerce held a Full Committee hearing on January 12, 1995, on Developments in Municipal Finance Disclosure. On December 8, 1994, Orange County, California, and the "Orange County Investment Pools," a common fund of county monies maintained for investment, filed for bankruptcy under Chapter 9 of the Federal Bankruptcy Code. These filings began the largest municipal bankruptcy in the nation's history.

The purpose of the Full Committee hearing was to examine (1) the adequacy of disclosure by municipal securities issuers of material events that impact the value of their securities and (2) the development of rules and systems to avoid situations similar to the events in Orange County, California, in the future. The hearing focused on the current state of municipal securities disclosure regulation and whether regulatory or legislative action was necessary to improve investor protection.

Witnesses at the hearing included the Chairman of the Securities and Exchange Commission, the Chairman of the Municipal Securities Rulemaking Board, the Chairman of the Public Securities Association, a representative of Fitch Investors Service, Inc., and a representative of the Port Authority of New York and New Jersey testifying on behalf on the Government Finance Officers Association.

### UNANIMOUS BIPARTISAN NATIONAL GOVERNORS ASSOCIATION AGREEMENT ON MEDICAID

On February 6, 1996, the National Governors Association (NGA) unanimously adopted a bipartisan proposal to restructure the Medicaid Program. The NGA proposal would replace current Medicaid law with a new flexible program that would allow States a combination of increased Federal funding and enhanced operational and administrative flexibility to implement new ideas and management techniques for providing those below the income poverty level with adequate and efficient health care.

The Full Committee held two oversight hearings on the NGA Medicaid Restructuring Proposal. The first hearing was held on February 21, 1996. Witnesses included Governors of the States of Michigan, Florida, Utah, Nevada, Wisconsin, and Colorado. The purpose of the hearing was to examine the process by which the Governors reached consensus and the manner in which their bipartisan proposal would enable them to improve the effectiveness and quality of their Medicaid programs.

The Full Committee held a follow-up hearing on the NGA Medicaid Restructuring Proposal on March 6, 1996. Witnesses at the second hearing included the Secretary of Health and Human Services, various health industry officials, and representatives of non-profit organizations as well as beneficiaries. The purpose of this hearing was to receive testimony from the Administration and those in the health care industry concerning the NGA's Medicaid Restructuring Proposal.

## HEARINGS HELD

*Developments in Municipal Finance Disclosure.*—Oversight Hearing on Developments in Municipal Finance Disclosure. Hearing held on January 12, 1995. PRINTED, Serial Number 104-1.

*The Unanimous Bipartisan National Governors Association Agreement on Medicaid.*—Oversight Hearing on the Unanimous Bipartisan National Governors Association Agreement on Medicaid. Hearing held on February 21, 1996. PRINTED, Serial Number 104-103.

*The Unanimous Bipartisan National Governors Association Agreement on Medicaid.*—Oversight Hearing on the Unanimous Bipartisan National Governors Association Agreement on Medicaid. Hearing held on March 6, 1996. PRINTED, Serial Number 104-103.

*The Personal Responsibility and Work Opportunity Act of 1996.*—Hearing on H.R. 3507, the Personal Responsibility and Work Opportunity Act of 1996. Hearing held on June 11, 1996. PRINTED, Serial Number 104-102.

## SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 17-14)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
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W.J. "BILLY" TAUZIN, Louisiana
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
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NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
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THOMAS J. BLILEY, Jr., Virginia
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RALPH M. HALL, Texas
RICK BOUCHER, Virginia
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
CARDISS COLLINS, Illinois
BILL RICHARDSON, New Mexico
ELIOT L. ENGEL, New York
THOMAS J. MANTON, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* Interstate and foreign telecommunications including but not limited to, all telecommunication and information transmission by broadcast, radio, wire, microwave, satellite, or other mode; securities and finance.

## LEGISLATIVE ACTIVITIES

### PHILANTHROPY PROTECTION ACT OF 1995

### Public Law 104-62 (H.R. 2519)

To facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

*Summary*

The Philanthropy Protection Act of 1995 exempts from the registration requirements of the Investment Company Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisers Act of 1940 any security issued by or any interest or participation in any pooled income fund, collective trust fund, collective investment fund, or similar fund maintained by a charitable organization (such funds are referred to as "charitable income funds") exclusively for the collective investment and reinvestment of certain assets. The Act also requires certain donor disclosures and prohibits incentive-based commissions. Notwithstanding the exemptions from the above-mentioned Acts, H.R. 2519 maintains the application of the anti-fraud provisions of the 1933 Act, 1934 Act, Investment Company Act, and Investment Advisers Act to entities qualifying for the exemptions.

Public Law 104-62 provides a conditional exemption from the above-mentioned Acts for charitable income funds that contain as-

sets that have been revocably donated and grants the Securities and Exchange Commission specific exemptive authority regarding such funds if they do not otherwise qualify for the Act's exemption.

Additionally, it amends the Investment Company Act of 1940 to codify disclosure requirements for exempt charitable income funds.

Public Law 104-62 also amends the Securities Exchange Act of 1934 to provide an exemption from that Act's broker-dealer provisions for employees or volunteers of charitable organizations or charitable income funds who buy, hold, sell, or trade in securities for the charitable organization or fund so long as they are volunteers or are engaged in overall fund-raising activities of the organization but receive no commission or other special compensation based on the number or value of donations collected.

Public Law 104-62 includes a provision that temporarily preempts State laws. This provision provides that for a period of 3 years following the enactment of the Act, interests in charitable income funds are exempted from State registration or qualification requirements, and charitable organizations, trustees, directors, officers, employees, and volunteers of such organizations are exempted from State regulation regarding dealers, brokers, agents, and investment advisers. Following this 3-year period, States are permitted to enact statutes that reestablish the State authority that had been preempted during the 3-year period.

*Legislative History*

H.R. 2519 was introduced in the House on October 24, 1995, by Representatives Fields of Texas, Bliley, Burr, Dingell, Edwards, Frisa, and Markey. On October 31, 1995, the Subcommittee on Telecommunications and Finance held a hearing on H.R. 2519. Testimony was received from representatives of charitable organizations and Federal securities regulators. Immediately following the hearing, the Subcommittee met in open markup session to consider H.R. 2519 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 2519 on November 1, 1995, and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 2519 to the House on November 10, 1995 (H. Rpt. 104-333).

On November 28, 1995, the House considered H.R. 2519 on the Corrections Calendar and passed the bill by a roll call vote of 421 yeas to 0 nays. On November 29, 1995, the Senate received H.R. 2519 and, by unanimous consent, proceeded to the immediate consideration of the bill and passed H.R. 2519 without amendment.

H.R. 2519 was presented to the President on November 30, 1995. The President signed H.R. 2519 into law on December 8, 1995 (P.L. 104-62).

## PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

### Public Law 104-67 (H.R. 1058, S. 240)

To reform Federal securities litigation, and for other purposes.

*Summary*

The purpose of H.R. 1058 is to reform the Federal civil justice system with regards to private securities litigation. It eliminates certain abusive practices, provides for greater plaintiff control over litigation, and defines or modifies the legal standards establishing liability in actions based on securities fraud. The major provisions of H.R. 1058 are as follows:

- Amends the Securities Act of 1933 (the 1933 Act) and the Securities Exchange Act of 1934 (the 1934 Act) by providing for a presumptive lead plaintiff and for enhanced control of the class lawyers by the plaintiffs. Additionally, it provides that all discovery is stayed during the pendency of any motion to dismiss or for summary judgement;
- Amends the 1933 Act and the 1934 Act to provide for a safe harbor for certain forward looking statements made by persons specified in the legislation;
- Amends the 1934 Act by prohibiting referral fees to brokers, dealers, or anyone associated with a broker or dealer for assisting an attorney in obtaining the representation of any person in any private action;
- Amends the 1933 Act and the 1934 Act by prohibiting the payment of attorneys' fees from a Securities and Exchange Commission (SEC) disgorgement fund unless otherwise ordered by the court;
- Amends the 1934 Act to provide authority to the SEC to prosecute aiding and abetting in a securities violation under this Act;
- Amends the 1933 Act to provide for enhanced Rule 11 sanctions and discretionary bonding for sanctions under Rule 11;
- Amends Title 18 of the U.S. Code to eliminate securities fraud as a predicate offense in a civil action under the Racketeer Influenced and Corrupt Organizations Act (RICO);
- Amends the 1933 Act and the 1934 Act to provide for proportionate liability for certain defendants in a private action; and
- Amends the 1934 Act to require independent public accountants to adopt certain procedures in connection with their audits and to inform the SEC of illegal acts.

*Legislative History*

On February 27, 1995, Representatives Bliley, Fields of Texas, Cox, and Tauzin introduced H.R. 1058, the Securities Litigation Reform Act, in the House. As introduced, the text of H.R. 1058 was identical to the text of Title II of H.R. 10, as reported to the House by the Committee on Commerce on February 24, 1995. H.R. 1058 was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary.

On March 3, 1995, the Committee on Rules met and granted a rule providing for the consideration of H.R. 1058. The rule was filed in the House as H. Res. 103. On March 6, 1995, the Committee on Rules met and granted a second rule providing for the consideration of H.R. 1058. The rule was filed in the House as H. Res. 105. Section 2 of H. Res. 105 laid H. Res. 103, the first rule provid-

ing for consideration of H.R. 1058, on the table. The House passed H. Res. 105 on March 7, 1995, by a voice vote.

On March 7 and March 8, 1995, the House considered H.R. 1058; on March 8, 1995, the House passed H.R. 1058 by a roll call vote of 325 yeas to 99 nays, and 1 voting present. On March 10, 1995, H.R. 1058 was received in the Senate, read twice, and referred to the Senate Committee on Banking, Housing, and Urban Affairs.

On June 19, 1995, the Senate Committee on Banking, Housing, and Urban Affairs reported S. 240, a companion bill to H.R. 1058, to the Senate (S. Rpt. 104-98). The Senate considered S. 240 on June 22, June 23, June 26, June 27, and June 28, 1995. On June 28, 1995, the Senate, by unanimous consent, discharged the Senate Committee on Banking, Housing, and Urban Affairs from further consideration of H.R. 1058. The Senate then passed H.R. 1058, as amended with the text of S. 240 as amended by the Senate, by a roll call vote of 69 yeas to 30 nays, and 1 voting present. On that same day, S. 240 was returned to the Senate Calendar.

On October 24, 1995, the House disagreed to the Senate amendment to H.R. 1058, requested a conference with the Senate, and appointed conferees. On November 17, 1995, the Senate insisted on its amendment, agreed to a conference with the House, and appointed conferees. On November 28, 1995, the conferees met and agreed to file a conference report on H.R. 1058. The conference report was filed in the House on November 28, 1995 (H. Rpt. 104-369).

The Senate agreed to the conference report by a roll call vote of 65 yeas to 30 nays, and 1 voting present on December 5, 1995. On December 5, 1995, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 1058. The rule was filed in the House as H. Res. 290. The House passed H. Res. 290 by a roll call vote of 318 yeas to 97 nays, and 1 voting present on December 6, 1995. The House agreed to the conference report on December 6, 1995, by a roll call vote of 320 yeas to 102 nays, and 1 voting present. On December 7, 1995, H.R. 1058 was presented to the President.

The President vetoed H.R. 1058 on December 19, 1995. On December 20, 1995, the veto message on H.R. 1058 was received and read in the House (H. Doc. 104-150).

On December 20, 1995, the House considered and passed H.R. 1058, the objections of the President to the contrary notwithstanding, by a roll call vote of 319 yeas to 100 nays, and 1 voting present. On December 22, 1995, the Senate passed H.R. 1058, the objections of the President to the contrary notwithstanding, by a roll call vote of 68 yeas to 30 nays and 1 voting present.

H.R. 1058 became Public Law over the objections of the President on December 22, 1995 (P.L. 104-67).

## TELECOMMUNICATIONS ACT OF 1996

### Public Law 104-104 (S. 652, H.R. 1555, H.R. 1556, H.R. 514, H.R. 912, H.R. 1528, H.R. 1869)

To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommuni-

cations consumers and encourage the rapid deployment of new telecommunications technologies.

*Summary*

Public Law 104-104 represents a bipartisan, multi-year effort to reform our nation's telecommunications industry. For decades prior to the adoption of this law, U.S. telecommunications policy had relied on heavily regulated monopolies to provide communications services to business and consumers. The new law reflects the view that a competitive market rather than regulated monopolies will yield greater public good in terms of lower prices for consumers, greater choice of high quality services and products, a more rapid deployment of new telecommunications technologies, and the creation of numerous employment opportunities within the telecommunications industry. The major provisions of Public Law 104-104 are outlined below.

*Title I—Telecommunications Services*

One of the primary goals of the new telecommunications law is the promotion of competition in the local telephone market. Using the lessons learned from the advent of competition in the long distance telephone market, the new law focuses on opening the local telephone market, without threatening the provision of local telephone service in the process. The law requires local telephone companies to negotiate to provide service connections to any requesting telecommunications carrier, and allows the Regional Bell Operating Companies (RBOCs) to enter the long distance telephone market under certain conditions. The combination of these two features will further promote competition in the American telecommunications industry and will allow the free market, tied to the choices of consumers, to be the arbitrator of telecommunications prices.

Specifically, the law requires all local exchange carriers, upon request from another carrier, to interconnect with or provide services using the carrier's network. The law places additional obligations on local telephone companies and even further requirements on incumbent telephone companies. Local telephone companies, upon a request from another carrier, cannot prohibit resale of its service; must provide number portability, dialing parity, and access to its rights-of-way; and must establish reciprocal compensation to competitors for transport and termination of traffic.

For incumbent local telephone providers, the law also imposes the duty to: (1) negotiate, in good faith, interconnection agreements that meet the above mentioned obligations and provide interconnection at any technically feasible point of the same type and quality it provides itself on just, reasonable, and nondiscriminatory conditions; (2) provide access to network elements on an unbundled basis; (3) offer resale of its telecommunications services at wholesale rates; (4) provide reasonable public notice of changes to its network; and (5) provide physical collocation, or virtual collocation where physical collocation is not practicable.

The law exempts rural telephone companies from these requirements and permits States to modify or suspend these local loop-opening requirements in limited situations, such as for smaller telephone companies. The law also establishes a broad framework,

coupled with the interconnection requirements, to resolve situations where the local telephone company and the new entrant do not agree on the specific details of interconnection. This process includes a period for negotiation that may be followed by arbitration overseen by State public utility commissions if any unresolved issues remain. State commissions are required to approve any interconnection agreement reached to ensure that the agreements are in the public interest and meet the interconnection requirements of the law.

The law also sets forth the framework for allowing the RBOCs into telecommunications markets heretofore closed by court action and, where appropriate, places additional safeguards to minimize the threat of anticompetitive activities by the RBOCs when they enter these markets. These markets include: long distance telephone service, manufacturing, electronic publishing, alarm monitoring, payphones, and telemessaging. For in-region long distance entry, the law requires an RBOC to submit an application to the Federal Communications Commission (FCC) certifying either that there exists a facilities-based competitor currently providing service to both residential and business customers, or that no provider has sought the ability to interconnect. The law also sets out specific interconnection requirements comprising a "checklist" which must also be satisfied by the RBOC as part of its entry test. The FCC is to review the application and consult with the Department of Justice regarding the merits of the application. The FCC is required to give substantial weight to the Attorney General's evaluation.

The law also creates a Federal-State Joint Board on Universal Service to provide recommendations to the FCC and to answer paramount questions facing the Federal universal service support system. The mechanisms and policies must be based on the following principles: (1) quality and rates; (2) access to advanced services; (3) access in rural and high cost areas; (4) equitable and nondiscriminatory contributions; (5) specific and predictable support mechanisms; and (6) access to advanced telecommunications services for schools, rural health care facilities, and libraries. The FCC is required to implement rules based on the Joint Board's recommendations.

The new law also removes State and local barriers to entry in order to promote competition, while maintaining local and State authority to manage public rights-of-way. The law also permits public utility holding companies to enter the telecommunications industry; requires FCC regulations to increase the accessibility by persons with disabilities to telecommunications services and equipment; requires the FCC to identify and remove market entry barriers for small businesses; and prohibits telecommunications carriers from changing carrier selection without prior approval from customers, while strengthening related penalties for violators. H.R. 912 and a similar provision in the Senate-passed telecommunications bill became the basis for the changes made to the Public Utility Holding Company Act of 1935 (PUHCA), allowing public utilities into the telecommunications industry.

*Title II—Broadcast Services*

The new law includes provisions addressing spectrum flexibility which enable the FCC to move forward and award digital television licenses. The law requires that if the FCC decides to issue licenses for advanced television (ATV), the initial recipients should be existing broadcasters and that the issuance of such licenses will be preconditioned on the requirement that either the new license, or the broadcaster's original license, would be surrendered to the FCC pursuant to FCC regulations. The law authorizes the FCC to adopt regulations that would permit broadcasters to use such spectrum for ancillary or supplementary services, but would require the FCC to establish a fee if broadcasters use the spectrum to provide a subscription or other compensation based service to the user. These provisions will provide the FCC with the necessary statutory framework to issue ATV licenses in early 1997.

In addition, the new law relaxes numerous FCC regulations and statutory prohibitions on multiple ownership of broadcast outlets. Specifically, the law eliminates the national limitations on the number of radio stations one entity may control, and establishes a new local radio station ownership limitation structure based upon the size of the local radio market. Similarly, the law eliminates the restriction on the absolute number of television stations any one entity can own and increases the national ownership limitation for television stations from 25 percent to 35 percent. The law requires the FCC to review its limitation on the number of stations one party can own in a local market. It permits the FCC to allow the ownership of a radio station and a television station in the top 50 markets; and it requires the FCC to revise its regulations to allow the merger of TV networks, with limitations to guard against undue concentration. The law repeals the statutory cable-broadcast cross-ownership restriction and requires the FCC to examine all of its broadcast ownership rules biennially and to repeal or modify such rules that are no longer in the public interest.

The new law also extends the terms of broadcast licenses for up to 8 years and streamlines the broadcast license renewal process by implementing a new procedure which gives the incumbent broadcaster the ability to apply for a license renewal without competing applications. It also gives the FCC exclusive jurisdiction over the direct broadcast satellite systems (DBS) and requires the FCC to preempt local, State or non-governmental restrictions that impair a viewer's ability to receive a DBS, broadcast TV, or wireless cable signal.

Many of the provisions of this section incorporate provisions, in amended form, contained in H.R. 1556.

*Title III—Cable Services*

The new law requires the FCC to reform many of its regulations for the video programming market and mandates substantial revisions to the FCC's regulation of cable systems. The advent and promotion of video programming competition, combined with regulatory flexibility, will produce greater choice for consumers. The new law deregulates numerous aspects of the cable industry to provide it with the flexibility to compete in the increasingly competitive marketplace.

Specifically, the law sunsets the FCC's regulation of the cable programming services tier on March 31, 1999, and ends FCC cable TV rate regulation for smaller cable operators. The law expands the definition of cable service to include interactive services and amends the definition of a cable system to exclude services that do not use any public right-of-way. It amends the cable rate complaint process to allow only State and local franchise authorities to file complaints; modifies the starting point for calculating refunds for unreasonable cable rates and limits the time frame of FCC consideration of rate complaints; modifies the time frame for a local franchise authority to file a rate complaint; relaxes uniform rate requirements; and adds a fourth prong to the test that determines when a cable company faces "effective competition" under the law. It also (1) modifies the FCC's methodology for market determinations; (2) eliminates State and local jurisdiction over technical standards for cable equipment; (3) limits the magnitude of FCC regulations designed to increase compatibility between VCRs and TVs; (4) relaxes a cable operator's obligation regarding subscriber notices; (5) extends the program access requirements to common carriers providing video programming; (6) eliminates the anti-trafficking provisions for cable systems; (7) allows for the aggregation of equipment costs when setting equipment rates; and (8) allows for the consideration of prior year losses when setting rates.

In addition, the new law sets forth regulations for a local telephone company that enters the video programming marketplace. Under the law, a telephone company can be regulated, based upon its method of providing service, as a wireless cable system, a common carrier, a cable system, or an open video system. The law establishes criteria for permitting financial arrangements, including buyouts, between a local telephone company and an existing cable operator. The law further provides specific minimum requirements for open video system providers.

The new law also prevents localities from requiring a local franchise agreement for a cable operator's provision of telecommunications services. This provision is intended to promote regulatory parity between the new entrant community, which includes cable companies, and the incumbent telephone companies.

The new law also requires the FCC to adopt regulations to assure the competitive availability of navigation devices in order to ensure the development of competition in the set-top box marketplace.

*Title IV—Regulatory Reform*

The new law requires the FCC to forbear from applying any regulation or statutory provision to a telecommunications carrier or class of carriers if the FCC determines that enforcement is not necessary to ensure just, reasonable, and nondiscriminatory prices or to protect the consumer or public interest.

In addition, the law requires the FCC to conduct a biennial review, beginning in 1998, of all regulations issued to comply with the requirements of the Communications Act of 1934 and requires the FCC to repeal any of these regulations if it determines them to be unnecessary because of the development of competition.

*Title V—Obscenity and Violence*

The new law includes provisions to decrease access by minors to indecent or obscene material via the Internet. These provisions broaden the scope of the existing "dial-a-porn" provisions to include the new electronic media using computers. Specifically, the law adapts the definition of indecency developed by the courts and the FCC to prohibit the use of a telecommunications device to make available indecent or obscene material to minors. The law provides numerous defenses to remove liability for certain circumstances, such as for providers merely providing access to the Internet, and it provides an exemption for Internet and other providers that make an effort to decrease access to indecent material to children.[1]

The law establishes new requirements for cable companies in order to decrease the access by minors to obscene material available over cable systems.[2] In addition, the new law requires TV manufacturers to include a "V-chip" not earlier than February 8, 1998, to decipher ratings codes on sex and violence established by the industry. If private industry does not establish its own ratings standard within 1 year of enactment, the law authorizes the FCC to prescribe guidelines for a ratings system. It also encourages the video programming and distribution industries to develop technology that will allow parents to block unwanted material from their children.

*Title VI—Effect on Other Laws*

The new law supersedes the provisions and requirements of the Modification of Final Judgment (AT&T Consent Decree), the GTE Consent Decree, and the AT&T-McCaw Consent Decree. Specifically, the law provides that all conduct or activities subject to these decrees become subject to the requirements of the Communications Act of 1934, as amended by this law, rather than the existing decrees that were in effect on the date of enactment.

The new law also makes clear that local, but not State, taxation of the direct-to-home satellite service market is preempted by the Federal government.

Many of the provisions and reforms of H.R. 1528, the Antitrust Consent Decree Reform Act of 1995, reported to the House by the House Committee on the Judiciary, were included in this title.

*Title VII—Miscellaneous Provisions*

The new law implements other communications reforms, including: (1) preventing abuse of the toll-free numbers for "pay-per-call" services; (2) increasing the privacy of consumers using tele-

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[1] Challenges have been made to the constitutionality of section 502 of Title V of the Telecommunications Act of 1996, and an appeal has been filed with the U.S. Supreme Court. On June 11, 1996, a three judge panel of the United States District Court for the Eastern District of Pennsylvania granted a preliminary injunction against enforcement of section 502 based on its finding certain portions of that section unconstitutional. *ACLU v. Reno,* 929 F. Supp. 824 (E.D.Pa. 1996) (order granting preliminary injunction). On September 29, 1996, the Justice Department filed its appeal with the U.S. Supreme Court. On December 6, 1996, the U.S. Supreme Court agreed to hear the case by noting probable jurisdiction. Argument will be scheduled in late March 1997.

[2] Enforcement of these provisions has been stayed by a three judge panel of the United States District Court for the District of Delaware, pending its decision in the case of Playboy Entertainment Group, Inc. and Graff-Pay-Per-View, Inc. v. Reno, Nos. 96-94 & 96-107 (D. Del. Nov. 15, 1996) (order staying enforcement of section 505 of the Telecommunications Act of 1996).

communications equipment; (3) reforming the reimbursement structure for pole attachments; (4) establishing certain procedures for cellular facilities siting; (5) clarifying that commercial mobile service providers are not required to provide equal access to long distance carriers; (6) studying whether advanced telecommunications capability is being deployed; (7) forming a "Telecommunications Development Fund" to provide funding for small telecommunications firms; (8) forming the "National Education Technology Funding Corporation" to increase investment in educational technology; (9) reporting on the status of Federal telemedicine projects; and (10) authorizing appropriations to implement the provisions of the new law.

*Legislative History*

On May 3, 1995, Representatives Bliley, Dingell, Fields of Texas, Moorhead, Oxley, Bilirakis, Schaefer, Barton of Texas, Hastert, Stearns, Paxon, Gillmor, Klug, Greenwood, Crapo, Frisa, White, Coburn, Tauzin, Hall of Texas, Boucher, Manton, Towns, Eshoo, and Lincoln introduced H.R. 1555, Communications Act of 1995, in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary.

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 1555 and three other bills on May 10, May 11, and May 12, 1995. The three additional bills were H.R. 514, a bill to repeal the restrictions on foreign ownership of licensed telecommunications facilities; H.R. 912, a bill to permit registered utility holding companies to participate in the provision of telecommunications services; and H.R. 1556, a bill to amend the Communications Act of 1934 to reduce the restrictions on ownership of broadcasting stations and other media of mass communications. Testimony was received from over 50 witnesses, including representatives from the Federal government, industry, and private organizations.

On May 17, 1995, the Subcommittee on Telecommunications and Finance met in open markup session to consider H.R. 1555 and approved the bill for Full Committee consideration, as amended, by a voice vote. The Full Committee met in open markup session to consider H.R. 1555 on May 24 and May 25, 1995; on May 25, 1995, the Full Committee ordered the bill reported to the House, amended, by a roll call vote of 38 yeas to 5 nays. The Committee reported H.R. 1555 to the House on July 24, 1995 (H. Rpt. 104-240, Part 1).

On July 24, 1995, the referral of the bill to the Committee on the Judiciary was extended for a period ending not later than July 24, 1995. Subsequently, the Committee on the Judiciary was discharged from further consideration of H.R. 1555 on July 24, 1995.

On August 1, 1995, the Committee on Rules met and granted a rule providing for the consideration of H.R. 1555. The rule was filed in the House as H. Res. 207. On August 3, 1995 (legislative day of August 2, 1995), the House passed H. Res. 207 by a roll call vote of 255 yeas to 156 nays. The House considered H.R. 1555 on August 3, 1995 (legislative day of August 2, 1995) and August 4, 1995. On August 4, 1995, the House passed H.R. 1555, as amended, by a roll call vote of 305 yeas to 117 nays. No further action was taken on H.R. 1555.

On March 30, 1995, Mr. Pressler introduced S. 652, the Telecommunications Competition and Deregulation Act of 1995, in the Senate as an original measure reported by the Senate Committee on Commerce, Science, and Transportation on that date (S. Rpt. 104-23).

The Senate considered S. 652 on June 7, June 8, June 9, June 12, June 13, June 14, and June 15, 1995; on June 15, 1995, the Senate passed S. 652, amended, by a roll call vote of 81 yeas to 18 nays. S. 652 was received in the House and June 20, 1995, and held at the Speaker's desk.

On October 12, 1995, the House, pursuant to the provisions of H. Res. 207, took S. 652 from the Speaker's desk and, by a voice vote, passed the bill, as amended with the text of H.R. 1555, as passed by the House on August 4, 1995. The House then insisted on its amendment, requested a conference with the Senate, and appointed conferees. A motion to instruct the conferees passed by a voice vote on October 12, 1995. The Senate disagreed with the House amendment to S. 652, agreed to a conference with the House, and appointed conferees on October 13, 1995.

Conference meetings were held on October 25, December 6, and December 12, 1995. The conference report on S. 652 was filed in the House on January 31, 1996 (H. Rpt. 104-458). The conference report was filed in the Senate on February 1, 1996 (S. Rpt. 104-230).

The House agreed to the conference report to S. 652 on February 1, 1996, by a roll call vote of 414 yeas to 16 nays. The Senate agreed to the conference report on February 1, 1996, by a roll call vote of 91 yeas to 5 nays.

On February 2, 1996, S. 652 was presented to the President. On February 8, 1996, the President signed S. 652 into law (P.L. 104-104).

## CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

### Public Law 104-121 (H.R. 3136, H.R. 994)

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

*Summary*

Public Law 104-121, the Contract with America Advancement Act of 1996, is a three-title bill which includes: (1) provisions concerning regulatory reform and Congressional review of rulemaking activities by Federal departments and agencies, including those under the jurisdiction of the Committee on Commerce; and (2) provisions relating to health issues.

Title I of H.R. 3136, the Senior Citizens Right to Work Act of 1996, amends Title II of the Social Security Act (SSA) to allow persons of retirement age to increase their earnings under the earnings limits set by the SSA.

Title I includes a provision under the Commerce Committee's jurisdiction which directs the Commissioner of Social Security to: (1) ensure that funds made available for continuing disability reviews

are used, to the greatest extent practicable, to maximize the combined savings in the Old-Age, Survivors, and Disability Insurance (OASDI), Supplemental Security Income (SSI), Medicare, and Medicaid programs; and (2) provide annually, at the conclusion of each of the 7 years from Fiscal Year 1996 through Fiscal Year 2002, a report to Congress on continuing disability reviews that includes the results of such reviews in terms of cessations of benefits or determinations of continuing eligibility, by program.

Title II of H.R. 3136, the Small Business Regulatory Enforcement Fairness Act of 1996, provides regulatory reform for small businesses, as defined in Title II, and Congressional review of Federal agency rules. The major provisions of Title II are as follows:

(1) requires agencies to provide increased compliance assistance to small businesses;
(2) requires the Small Business Administration (SBA) to designate a "Small Business and Agriculture Regulatory Enforcement Ombudsman" to provide a confidential channel for audited small businesses to comment on such procedures;
(3) requires the SBA to establish regional "Small Business Regulatory Fairness Boards" to report to the Ombudsman;
(4) allows administrative and judicial courts to award fees and costs to small businesses if the judgment demanded by an agency is substantially in excess of that awarded;
(5) amends the Regulatory Flexibility Act to require an analysis by the promulgating agency of the effects of a rule on small businesses; and
(6) lays out a framework for Congressional review of newly promulgated agency rules.

This legislation will require the Subcommittee on Telecommunications and Finance to review recently promulgated rules by the Federal agencies and departments within its jurisdiction, including the Federal Communications Commission, the Securities and Exchange Commission, and the Department of Commerce National Telecommunications and Information Administration.

Title III of H.R. 3136, Public Debt Limit, raises the public debt limit to $5.5 trillion.

*Legislative History*

On February 21, 1995, H.R. 994, the Regulatory Sunset and Review Act of 1995, was introduced in the House by Representatives Chapman, Mica, DeLay, Deal of Georgia, and Geren of Texas. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary.

On October 19, 1995, the Committee on Government Reform and Oversight reported H.R. 994 to the House (H. Rpt. 104-284, Part 1). The referral of the bill to the Committee on the Judiciary was extended for a period ending not later than November 3, 1995. On October 26, 1995, H.R. 994, as reported by the Committee on Government Reform and Oversight, was referred to the Committee on Commerce, sequentially, for a period ending not later than November 3, 1995.

On October 25, 1995, the Committee on Commerce scheduled a Full Committee hearing on H.R. 994. On October 30, 1995, the Full Committee hearing was cancelled because of scheduling conflicts.

In lieu of the Full Committee hearing, the Committee conducted a briefing on November 3, 1995, at which representatives of the Office of Management and Budget, the Consumer Product Safety Commission, the Nuclear Regulatory Commission, the Department of Energy, the Department of Transportation, the Federal Trade Commission, the Environmental Protection Agency, the Securities Exchange Commission, and the Food and Drug Administration presented the views of their respective departments and agencies on the impact of, and concerns with, the provisions of H.R. 994, as reported to the House by the Committee on Government Reform and Oversight.

On November 3, 1995, the referral of H.R. 994 to the Committee on the Judiciary was extended for a period ending not later than November 7, 1995. On November 3, 1995, the Committee on Commerce was discharged from further consideration of H.R. 994. On November 7, 1995, the Committee on the Judiciary reported H.R. 994 to the House (H. Rpt. 104-284, Part 2). On February 29, 1996, the Rules Committee met and granted a rule providing for the consideration of H.R. 994. The rule was filed in the House as H. Res. 368 on February 29, 1996. H. Res. 368 made in order, as an original bill for purposes of amendment, an Amendment in the Nature of a Substitute to be offered by Mr. Hyde and printed in the *Congressional Record* (Printed in the *Congressional Record* on February 29, 1996.) On April 17, 1996, H. Res. 368 was laid on the table by unanimous consent.

On March 21, 1996, Mr. Archer introduced H.R. 3136 in the House. H.R. 3136 contained language similar to H.R. 994. As introduced in the House, Title II, Subtitles A through D, of H.R. 3136 aimed to achieve the same goal as Sections 102 and 103 of H.R. 994, as scheduled for consideration by the House under the provisions of H. Res. 368. The goal of Sections 102 and 103, "Rules Commented on by SBA Chief Counsel for Advocacy" and "Sense of Congress Regarding SBA Chief Counsel for Advocacy," respectively, was to achieve a streamlined and effective regulatory process for small businesses. Additionally, Subtitle E of Title II of H.R. 3136, "Congressional Review," contains only one section, Section 807, that differs from Title III of H.R. 994, as scheduled for consideration by the House.

H.R. 3136 was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, the Committee on Rules, the Committee on the Judiciary, the Committee on Small Business, and the Committee on Government Reform and Oversight.

On March 27, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3136. The rule was filed in the House on March 27, 1996 as H. Res. 391 (H. Rpt. 104-500). On March 28, 1996, the House passed H. Res. 391 by a roll call vote of 232 yeas to 177 nays. H. Res. 391 provided, among other things, that amendments printed in the Committee report on H. Res. 391 shall be considered as adopted.

The House considered H.R. 3136 on March 28, 1996, and passed the bill, by a roll call vote of 328 yeas to 91 nays. On March 28, 1996, H.R. 3136 was received in the Senate. The Senate proceeded

to the immediate consideration of H.R. 3136 on March 28, 1996, and passed the bill without amendment.

On March 29, 1996, H.R. 3136 was presented to the President. The President signed H.R. 3136 into law on March 29, 1996 (P.L. 104-121).

NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

Public Law 104-290 (H.R. 3005, S. 1815, H.R. 2131, H.R. 1495, H.R. 2972)

To amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulations.

*Summary*

The purpose of H.R. 3005 is to promote efficiency and capital formation in the financial markets, promote more efficient management of mutual funds, protect investors, provide more effective and less burdensome regulation, and eliminate excess securities fees.

*Title I—Capital Markets*

The development and growth of the nation's capital markets prompted the Committee to examine the need for legislation modernizing and rationalizing securities regulation to promote investment, decrease the cost of capital, and encourage competition without diminishing our longstanding commitment to investor protection. It was discovered that the system of dual Federal and State securities regulation has resulted in a degree of duplicative and unnecessary regulation and that securities offerings and the brokers and dealers engaged in securities transactions were subject to a dual system of regulation that in some instances was redundant, costly, and ineffective.

Title I addresses this problem by reallocating responsibility over the regulation of the nation's securities markets in a more logical fashion between the Federal government and the States. With respect to securities offerings, the regulatory responsibility between the Federal government and the States has been allocated based on the nature of the securities offering. Offerings involving securities that are inherently national in nature, such as those traded on national securities exchanges and made by investment companies, are, therefore, subject only to Federal regulation. Smaller, regional, and intrastate securities offerings remain subject to State regulation. The legislation preserves State antifraud laws, as well as States' ability to collect fees and require notice filings for securities that are now exempt from their review.

Title I contains other provisions designed to improve the efficiency of the regulation of the securities markets and reduce unnecessary regulatory costs. Specifically, it provides national standards for broker dealers for capital, custody, margin, financial responsibility, books and records, and bonding requirements. It also provides a grace period from State registration for a certain number of de minimis transactions. Eligible sources of financing for broker

dealers are broadened through amendments to laws governing margin.

In addition, H.R. 3005 includes provisions that: (1) grant the Securities and Exchange Commission (SEC) general exemptive authority; (2) direct the SEC to consider efficiency, competition, and capital formation when considering rulemaking; (3) establish a Federal requirement that securities authorities coordinate examination efforts and share information; and (4) direct the SEC to promulgate regulations to facilitate access of American news organizations to foreign press conferences, meetings with company representatives conducted offshore, and press related materials released offshore in which an offering of securities is discussed.

*Title II—Investment Company Act Amendments*

Title II of H.R. 3005 promotes more efficient management of mutual funds, protects investors, and provides more effective and less burdensome regulation. This is accomplished through amendments to the Investment Company Act of 1940 that (1) facilitate mutual fund investments in other mutual funds; (2) improve the ability of mutual funds to advertise; (3) provide the SEC with flexibility to require investment companies to provide information to investors; (4) authorize the SEC to require investment companies to maintain books and records that must be available for SEC review; (5) prohibit names that the SEC finds are deceptive for investment companies; and (6) establish a new category of private investment companies.

*Title III—Investment Advisers Supervision Coordination Act*

The regulation of investment advisers is addressed in Title III by dividing the responsibility for supervision between the Federal government and the States. The legislation allocates the responsibility based on the size of the adviser, creating a dividing line of $25 million or more in assets under management or being an adviser to an investment company as the criteria for the Federal government being the primary regulator. The authority of State officials and the SEC to investigate and bring enforcement actions against any investment adviser for fraud or deceit is preserved, as well as the State authority for setting licensing requirements of investment adviser representatives with a place of business in the licensing State. The SEC is expected to define the term investment adviser representative.

The legislation gives investors greater access to the enforcement background history of investment advisers, and authorizes the SEC to prohibit registration to anyone who has been convicted of a felony within the previous 10 years. Regulation of investment advisers is also made more efficient by providing uniformity in State requirements for books and records, capital, and bonding requirements. Investment advisers will not have to register in a State where they do not have a place of business and have no more than five clients.

*Title IV—Securities and Exchange Commission Authorization*

The purpose of Title IV, the Securities and Exchange Commission Authorization Act of 1996, is to reauthorize the SEC and to

reduce excess fee collections. The legislation authorizes $300 million for the SEC for Fiscal Year 1997. Fee rates imposed for the registration of securities with the SEC are reduced incrementally over a 10 year period. Fees for transactions that are currently imposed on trades on the New York and American Stock Exchanges are also applied, in a consistent manner, to off-exchange trades including those conducted by the National Association of Securities Dealers Automated Quotation (NASDAQ) system.

*Title V—Reducing the Cost of Saving and Investment*

Title V encourages capital formation while also providing for studies of several issues that impact the securities markets. Church employee pension plans are conditionally exempted from most Federal securities regulation, and the availability of funding for business development companies is improved. The legislation requires studies to be conducted to: (1) examine the impact of technological advances on the securities markets; (2) study and report on shareholder access to proxy statements; and (3) study and report on the market practice of "preferencing."

*Legislative History*

The Subcommittee on Telecommunications and Finance held a hearing on H.R. 1495, the Investment Company Act Amendments of 1995, on October 31, 1995. Testimony was received from representatives of mutual fund companies, industry trade groups, and Federal regulators.

The Subcommittee on Telecommunications and Finance also held 3 days of hearings on H.R. 2131, the Capital Markets Deregulation and Liberalization Act of 1995, and the current state of regulation of the securities markets on November 14, November 30, and December 5, 1995. Testimony was received from State and Federal regulators as well as representatives of industry trade groups and financial experts.

On March 5, 1996, Mr. Fields of Texas introduced H.R. 3005, the Securities Amendments of 1996, in the House. As introduced, H.R. 3005 contained the intent and much of the text of H.R. 2131 and H.R. 1495, as previously considered by the Subcommittee during its hearings on these two bills. For the legislative history of H.R. 2131 and H.R. 1495, see the discussions of those bills in this section.

On March 7, 1996, the Subcommittee on Telecommunications and Finance met in an open markup session to consider H.R. 3005, and approved the bill for Full Committee consideration, amended, by a roll call vote of 25 yeas to 0 nays.

The Full Committee met in an open markup session to consider H.R. 3005 on May 15, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 3005 to the House on June 17, 1996 (H. Rpt. 104-622).

The House considered H.R. 3005 under Suspension of the Rules on June 18 and June 19, 1996. On June 19, 1996, the House passed H.R. 3005, as amended with a Manager's Amendment in the Nature of a Substitute, by a roll call vote of 407 yeas to 8 nays and 1 voting present. The Amendment in the Nature of a Substitute adopted by the House added a new Title III to H.R. 3005 consisting of the text of H.R. 2972, the Securities and Exchange Commission

Authorization Act of 1996, as passed by the House on March 12, 1996. On June 20, 1996, H.R. 3005 was received in the Senate.

On May 23, 1996, Senators Gramm, D'Amato, Dodd, Bryan, and Moseley-Braun introduced S. 1815, a companion bill to H.R. 3005, in the Senate. The bill was referred to the Senate Committee on Banking, Housing and Urban Affairs. On June 26, 1996, the Committee on Banking, Housing and Urban Affairs reported S. 1815 to the Senate (S. Rpt. 104-293).

On June 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3005 and passed the bill amended with the text of S. 1815, as amended by the Committee on Banking, Housing, and Urban Affairs and reported to the Senate on June 26, 1996. The Senate then insisted on its amendment, requested a conference with the House, and appointed conferees.

On July 24, 1996, the House disagreed to the Senate amendment to H.R. 3005, agreed to a conference with the Senate, and appointed conferees. The conference report on H.R. 3005 was filed in the House on September 28, 1996 (H. Rpt. 104-864). On September 28, 1996, the House considered the conference report on H.R. 3005 under Suspension of the Rules, and agreed to the conference report by a voice vote. On October 1, 1996, by unanimous consent, the Senate proceeded to the immediate consideration of the conference report on H.R. 3005, and agreed to the conference report.

H.R. 3005 was presented to the President on October 3, 1996. The President signed H.R. 3005 into law on October 11, 1996 (P.L. 104-290).

## OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

### Public Law 104-208 (H.R. 3610, S. 1894, H.R. 4278)

Making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, and for other purposes.

*Summary*

H.R. 3610 served as an omnibus continuing appropriations measure for those Federal agencies which did not have individual Fiscal Year 1997 appropriations measures enacted into law. Affected agencies and entities included the Departments of Justice, Commerce, State, Defense, Interior, Labor, Health and Human Services, Education, and the Treasury, as well as the Post Office and the Judiciary. Independent agencies such as the Federal Trade Commission were also funded by the bill. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3610.

Specifically, H.R. 3610 adds a new Title IV to Public Law 103-414, the Communications Assistance for Law Enforcement Act (CALEA). This new title establishes a fund, entitled the "Telecommunications Carrier Compliance Fund," and authorizes agencies with law enforcement and intelligence responsibilities to transfer unobligated balances into this fund to reimburse telecommunications carriers for compliance with the provisions of CALEA. The Committee on Commerce did not oppose the inclusion of this language.

H.R. 3610 also contains provisions relating to spectrum allocation. It requires the Federal Communications Commission (FCC) to assign by means of competitive bidding, consistent with international agreements, licenses for wireless subscription services for portions of the electromagnetic spectrum located at 2305-2320 megahertz and 2345-2360 megahertz. The FCC, in adopting procedures for the assignment of licenses in this band, must: (1) seek to promote the most efficient use of the spectrum; and (2) take into account the needs of public safety radio services. The FCC must also commence the competitive bidding for the assignment of the licenses for these frequencies by April 15, 1997. In order to meet the deadlines imposed by the Act, the FCC is permitted to waive certain statutory notice and comment timetables. All revenue generated from the assignment of such licenses must be collected and deposited in the U.S. Treasury by September 30, 1997. The requirements of the Act apply only to the assignment of licenses for the specified frequencies. Nothing in the Act shall be interpreted as a change of current policy governing competitive bidding for spectrum for any frequencies other than those specified in this section. The Committee on Commerce assisted in the drafting of the legislative language and approved its inclusion in the Act with a reservation based on the concern for the spectrum needs of the public safety community.

*Legislative History*

H.R. 3610 was introduced in the House on June 11, 1996, by Mr. Young of Florida and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 104-617). On June 13, 1996, the House considered and passed H.R. 3610, amended, by a roll call vote of 278 yeas to 126 nays.

On June 14, 1996, H.R. 3610 was received in the Senate and referred to the Senate Committee on Appropriations. On June 20, 1996, the Senate Committee on Appropriations reported S. 1894, a companion bill, to the Senate (S. Rpt. 104-286). The Senate considered S. 1894 on July 11, July 17, and July 18, 1996. On July 18, 1996, the Committee on Appropriations was discharged from further consideration of H.R. 3610, and the bill was passed, by a roll call vote of 72 yeas to 27 nays, as amended with the text of S. 1894 as amended by the Senate. Subsequently, S. 1894 was returned to the Senate Calendar and no further action was taken on that bill. The Senate then insisted on its amendment to H.R. 3610, requested a conference with the House, and appointed conferees on July 18, 1996.

On July 30, 1996, the House disagreed to the Senate amendment to H.R. 3610, agreed to a conference with the Senate, and appointed conferees. The conference report on H.R. 3610 was filed in the House on September 28, 1996 (H. Rpt. 104-863). On September 28, 1996, the House agreed to the conference report on H.R. 3610 by roll call vote of 370 yeas to 37 nays. Pursuant to a unanimous consent agreement reached earlier that day, upon the adoption of the conference report on H.R. 3610, H.R. 4278, a bill making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, was considered as passed. The text of H.R. 4278 was

identical to the text contained in the conference report on H.R. 3610.

On September 30, 1996, the Senate considered and passed H.R. 4278 by a roll call vote of 84 yeas to 15 nays. Then Senate then agreed to the conference report on H.R. 3610 by a voice vote. On September 30, 1996, H.R. 3610 was presented to the President. On September 30, 1996, the President signed H.R. 3610 into law (P.L. 104-208).

BALANCED BUDGET ACT OF 1995

(H.R. 2491)

(Title III—Communications and Spectrum Allocation Provisions)

To provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for Fiscal Year 1996.

*Summary*

Title III of H.R. 2491, the Balanced Budget Act of 1995, as presented to the President, contains provisions relating to communications and spectrum allocation, which fall within the jurisdiction of the Committee on Commerce.

Title III extends the Federal Communications Commission's (FCC's) competitive bidding authority through Fiscal Year 2002 and expands the scope for which the FCC may use the competitive bidding process (spectrum auctions) for the awarding of licenses. It maintains the requirement that competitive bidding be used to select licensees from among mutually exclusive applications. Further, it exempts from these requirements licenses or construction permits used by public safety radio services and initial licenses or construction permits for advanced television (ATV).

It also requires the FCC to complete all actions necessary to permit the assignment of licenses by September 30, 2002, of 100 megahertz (MHz) of spectrum located below 3 gigahertz not previously designated for auction or for reallocation by the National Telecommunications and Information Administration (NTIA). If the FCC cannot provide for effective relocation of incumbent licensees, it is required to notify the NTIA of suitable government spectrum needed for relocating current license holders. The NTIA would be required to identify spectrum allocated to the Federal government for reallocation to meet commercial relocation needs.

Finally, Title III requires the NTIA to identify and designate for reallocation to the FCC a single frequency band of 20 megahertz of spectrum under 3 gigahertz. The FCC is required then to schedule an auction for this reallocated spectrum within 1 year.

*Legislative History*

On September 13, 1995, the Full Committee considered and approved two Committee Prints pertaining to communications issues for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995 as follows.

The first Committee Print. entitled "Communications: Spectrum Auctions", was approved, as amended, by a voice vote. Prior to this action, on September 7, 1995, the Subcommittee on Telecommuni-

cations and Finance held a hearing on Federal Management of the Radio Spectrum, focusing on the Federal spectrum management activities of the Department of Commerce's National Telecommunications and Information Administration (NTIA). Witnesses included a representative from the NTIA, as well as several representatives from private research organizations. The panel discussed the spectrum needs of the Federal government in relation to its current allocation of spectrum.

The second Committee Print, entitled "Communications: Federal Communications Commission Authorization", was approved, as amended, by a voice vote. Prior to this action, on June 19, 1995, the Subcommittee on Telecommunications and Finance held a hearing on H.R. 1869, the Federal Communications Commission Authorization Act of 1995. For the legislative history of H.R. 1869, see the discussion of that bill in this section.

In addition, on September 14, and September 19, 1995, the Full Committee considered a Committee Print entitled "Department of Commerce Abolition". On September 19, 1995, the Full Committee approved the Committee Print, as amended, for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995 by a roll call vote of 25 yeas to 19 nays. Prior to this action, on July 24, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a joint hearing with the Subcommittee on Telecommunications and Finance on H.R. 1756, the Department of Commerce Dismantling Act of 1995. For the legislative history of that bill, see the discussion of the Department of Commerce Dismantling Act of 1995 (H.R. 1756) in this section.

The provisions of these three Committee Prints were included in the text of Title III and Title XVII of H.R. 2491 as reported to the House by the Committee on the Budget on October 17, 1995 (H. Rpt. 104-280, Volumes I and II). The House considered H.R. 2491 on October 25 and October 26, 1995, and passed the bill on October 26, 1995, by a roll call vote of 227 yeas to 203 nays. H.R. 2491 was received in the Senate on October 27, 1995, read twice, and placed on the Senate Calendar. The Senate passed H.R. 2491 on October 28, 1995, as amended, by a roll call vote of 52 yeas to 47 nays. On October 30, 1995, the House disagreed to the Senate amendments, requested a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The Senate insisted on its amendments, agreed to a conference with the House, and appointed conferees on November 13, 1995.

On November 15, 1995, the conference report was filed in the House (H. Rpt. 104-347). On November 17, 1995, the House passed H. Res. 272 which vacated the proceedings with respect to H. Rpt. 104-347, and the conference report was refiled in the House as H. Rpt. 104-350. The provisions dealing with the Federal Communications Commission Authorization and the Department of Commerce Abolition were deleted from the final legislation because of assertions by the Senate conferees that consideration of these provisions was prohibited by Section 313(b) of the Congressional Budget Act.

The House agreed to the conference report on November 17, 1995, by a roll call vote of 237 yeas to 189 nays. The Senate sustained a point of order against the conference report on November

17, 1995 as being in violation of the Congressional Budget Act with respect to consideration of Section 1853(f) of the Social Security Act as added by Section 8001 of the conference report and Section 13301 of Subtitle M of Title XIII of the conference report. The Senate then, by a roll call vote of 52 yeas to 47 nays, receded from its amendment to H.R. 2491 and concurred therein with a further amendment consisting of the text of the conference report (H. Rpt. 104-350) excluding the provisions stricken on the point of order. On November 20, 1995, the House agreed to the Senate amendment by a roll call vote of 235 yeas to 192 nays, and cleared the measure for the President. H.R. 2491 was presented to the President on November 30, 1995. On December 6, 1995, the President vetoed H.R. 2491 and returned the bill to the House (H. Doc. 104-141). The veto message and the accompanying bill were referred to the Committee on the Budget on December 6, 1995.

## TAX FAIRNESS AND DEFICIT REDUCTION ACT OF 1995

(H.R. 1215, H.R. 1327)

To amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs.

*Summary*

Title II of H.R. 1215 incorporates the text of H.R. 1218, a bill to extend the authority of the Federal Communications Commission (FCC) to use competitive bidding in granting licenses and permits. The bill amends the Communications Act of 1934 to extend through Fiscal Year 2000 the FCC's authority to use competitive bidding. The FCC's competitive bidding authority is due to expire on September 30, 1998.

*Legislative History*

On March 13, 1995, Mr. Archer introduced H.R. 1215 in the House. The bill was referred to the Committee on Ways and Means. On March 21, 1995, the Committee on Ways and Means reported the bill to the House (H. Rpt. 104-84). On April 5, 1995, the House considered H.R. 1215 and agreed to an amendment in the nature of a substitute consisting of the text of H.R. 1327, a bill introduced by Representatives Kasich, Archer, and Bliley. The House passed H.R. 1215, as amended, by a roll call vote of 246 yeas to 188 nays. Included within the text of H.R. 1327 were the provisions of H.R. 1218, a bill to extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits, as reported to the House by the Committee on Commerce on March 23, 1995. For the legislative history of H.R. 1218, see the discussion of that bill in this section.

On April 6, 1995, H.R. 1215 was received in the Senate and referred to the Senate Committee on Finance. No further action was taken in the Senate on the legislation during the 104th Congress.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 1996

(H.R. 2972)

To authorize appropriations for the Securities and Exchange Commission, to reduce the fees collected under the Federal securities laws, and for other purposes.

*Summary*

The purpose of H.R. 2972 is to provide a stable funding mechanism for the Securities and Exchange Commission (SEC) and to reduce over time different fees charged by the SEC. In lieu of a "self-funding" or "user-fee" system, H.R. 2972 gradually moves the SEC from reliance on increased offsetting fees towards a full appropriation.

H.R. 2972 represents an agreement reached between the Committee on Commerce, the Committee on Ways Means, and the Committee on Appropriations Subcommittee on Commerce, Justice, State and Judiciary. The bill provides that: (1) different fees charged by the SEC are reduced incrementally over 6 years by over $751 million; and (2) over the same period, the SEC is increasingly funded by means of an appropriation, so that at the end of the period, the SEC is fully funded by means of an appropriation and SEC fees approximately cover the cost of running the SEC. These fees will be deposited in the Treasury as general revenue.

*Legislative History*

On February 27, 1996, H.R. 2972 was introduced in the House by Representatives Bliley, Archer, Rogers, Fields of Texas, Dingell, Markey, Oxley, and Tauzin.

The Subcommittee on Telecommunications and Finance held a hearing on H.R. 2972 on February 28, 1996, and received testimony from Arthur Levitt, Chairman of the Securities and Exchange Commission. Immediately following the hearing, the Subcommittee on Telecommunications and Finance met in open markup session to consider H.R. 2972, and approved the bill for Full Committee consideration, by a voice vote.

On March 6, 1996, the Full Committee met in an open markup session to consider H.R. 2972 and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 2972 to the House on March 12, 1996 (H. Rpt. 104-479).

On March 12, 1996, the House considered H.R. 2972 under Suspension of the Rules and passed the bill by a voice vote. On March 13, 1996, H.R. 2972 was received in the Senate, read twice, and referred to the Senate Committee on Banking, Housing, and Urban Affairs.

No further action occurred on H.R. 2972 in the 104th Congress. However, substantially all of the provisions of H.R. 2972 were included in H.R. 3005, National Securities Markets Improvement Act of 1996, and enacted into law. For the legislative history of H.R. 3005, see the discussion of the National Securities Markets Improvement Act of 1996 in this section.

REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUELS TAXES

(H.R. 3415)

To amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

*Summary*

The purpose of H.R. 3415 is to provide for a temporary repeal of the 4.3-cents-per-gallon General Fund excise tax on transportation motor fuels, effective during the period beginning 7 days after enactment through December 31, 1996. The bill also includes a "Sense of Congress" that the full benefit of the repeal be passed through to consumers, and directs the General Accounting Office to study the impact of the repeal of the 4.3-cents-per gallon transportation motor fuels excise tax on consumers, and to report its findings to Congress by January 3, 1997. Finally, H.R. 3415 includes two budgetary offset provisions which fall within the jurisdiction of the Committee on Commerce, Section 6 and Section 7.

Section 7 of H.R. 3415 requires the Federal Communications Commission (FCC) to complete all actions necessary to permit the assignment of licenses by March 31, 1998, by competitive bidding of 35 megahertz (MHz) of spectrum (in blocks not less than 12.5 MHz unless smaller blocks would produce greater receipts) located below 3 gigahertz not previously designated for auction or reallocation by the National Telecommunications and Information Administration (NTIA) or not reserved for the use of Federal Government.

In making available bands of frequencies available for auction, the FCC is required to: (1) seek to promote the most efficient use of the spectrum; (2) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication; (3) take into account the needs of public safety radio services; (4) comply with the requirements of international agreements concerning spectrum allocations; and (5) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

Section 7 also makes the FCC's auction authority permanent.

*Legislative History*

On May 8, 1996, Representatives Seastrand, Riggs, Royce, and Zimmer introduced H.R. 3415 in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce. On May 8, 1996, the Committee on Ways and Means ordered H.R. 3415 reported to the House, amended, by a roll call vote of 23 yeas to 13 nays.

On May 15, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Ways and Means indicating that H.R. 3415 included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that the Committee on Commerce had reviewed the action taken by the Ways and Means Committee and in order to expedite consideration of this measure by the House, the Committee on Com-

merce would not insist on its right to a sequential referral of H.R. 3415 provided that: (1) based on an agreement between the two Committees, certain clarifications would be made to Section 6 and Section 7; and (2) the waiver of its right to a sequential referral would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On May 15, 1996, the Chairman of the Committee on Ways and Means sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 3415 and the Commerce Committee's prerogatives with respect to this bill.

The Committee on Ways and Means reported H.R. 3415 to the House on May 15, 1996 (H. Rpt. 104-576, Part 1). Referral of H.R. 3415 to the Committee on Commerce was extended for a period ending not later than May 15, 1996. The Committee on Commerce was subsequently discharged from further consideration of H.R. 3415 on May 15, 1996.

On May 16, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3415. The rule was filed in the House as H. Res. 436 (H. Rpt. 104-580).

On May 21, 1996, the House passed H. Res. 436 by a voice vote. H. Res. 436 provided, among other things, that an amendment to Section 7 offered by the Chairman of the Commerce Committee and printed in H. Rpt. 104-580 shall be considered as adopted upon the adoption of H. Res. 436. The House then considered H.R. 3415, and passed the bill, amended, by a roll call vote of 301 yeas to 108 nays.

On May 22, 1996, H.R. 3415 was received in the Senate. On June 25, 1996, H.R. 3415 was read twice and referred to the Senate Committee on Finance. No further action was taken on H.R. 3415 in the 104th Congress.

## SPACE COMMERCIALIZATION PROMOTION ACT OF 1996

(H.R. 3936)

To encourage the development of a commercial space industry in the United States, and for other purposes.

*Summary*

The purpose of H.R. 3936 is to encourage the development of a commercial space industry in the United States by (1) streamlining government regulatory procedures and (2) providing investment incentives and risk reduction measures for investors to encourage private sector participation in the space industry.

As passed by the House, H.R. 3936 contains two provisions that fall within the jurisdiction of the Committee on Commerce. Both Section 105, "Promotion of United States Global Positioning Systems Standards," and Section 201, "Land Remote Sensing Policy Act of 1992 Amendments," place new obligations on the Federal Communications Commission and change the application of the fee structure as established in the Communications Act of 1934.

*Legislative History*

On August 1, 1996, H.R. 3936 was introduced in the House by Representatives Walker, Sensenbrenner, Largent, Weldon of Florida, Rohrabacher, Hilleary, Stockman, Davis, Calvert, Baker of California, Seastrand, and Tiahrt. The bill was referred to the Committee on Science, and in addition to the Committee on Government Reform and Oversight.

On September 11, 1996, the Committee on Science met in open markup session to consider H.R. 3936 and ordered the bill reported to the House.

On September 17, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Science indicating that H.R. 3936 included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that the Committee on Commerce had reviewed the action taken by the Science Committee and in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 3936, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On September 17, 1996, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 3936 and the Commerce Committee's prerogatives with respect to this bill.

The Committee on Science reported H.R. 3936 to the House on September 17, 1996 (H. Rpt. 104-801, Part 1). Referral of the bill to the Committee on Government Reform and Oversight was extended for a period ending not later than September 17, 1996.

On September 17, 1996, the House considered H.R. 3936 under Suspension of the Rules and passed the bill, as amended, by a voice vote. H.R. 3936 was received in the Senate on September 18, 1996.

No further action was taken on H.R. 3936 in the 104th Congress.

## COMMON SENSE LEGAL REFORMS ACT

(Title II of H.R. 10—Reform of Private Securities Litigation)

To reform the Federal civil justice system; to reform product liability law.

*Summary*

The purpose of Title II of H.R. 10 is to reform the Federal civil justice system with regard to private securities litigation. It eliminates certain abusive practices, provides for greater plaintiff control over litigation, and defines or modifies the legal standards establishing liability in actions based on securities fraud.

*Legislative History*

On January 4, 1995, Representatives Hyde, Ramstad, Chenoweth, and Condit and 117 cosponsors introduced H.R. 10, the Common Sense Legal Reforms Act, in the House. H.R. 10 was referred by title to the Committee on the Judiciary, the Committee on Rules, and the Committee on Commerce. Title II, Reform of Pri-

vate Securities Litigation, was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary. Within the Committee on Commerce, Title II of H.R. 10 was referred to the Subcommittee on Telecommunications and Finance for a period ending not later than February 10, 1995.

The Subcommittee on Telecommunications and Finance held 2 days of hearings on Title II of H.R. 10 on January 19 and February 10, 1995. Testimony was received from Federal and State regulators, law professors, accounting firms, corporations, various trade associations, and law firms representing both plaintiffs and defendants in class action suits.

On February 10, 1995, the referral of the bill to the Subcommittee on Telecommunications was extended for an additional period ending not later than February 14, 1995. On February 14, 1995, the Subcommittee met in open markup session and approved Title II of H.R. 10 for Full Committee consideration, as amended, by a voice vote.

On February 16, 1995, the Full Committee met in open markup session to consider Title II of H.R. 10, and ordered the bill reported to the House, amended, by a roll call vote of 32 yeas to 10 nays, and 3 voting present. On February 24, 1995, the Committee reported H.R. 10 to the House (H. Rpt. 104-50, Part 1). No further action was taken on H.R. 10 in the 104th Congress.

On February 27, 1995, Representatives Bliley, Fields of Texas, Cox, and Tauzin introduced H.R. 1058, the Securities Litigation Reform Act, in the House. As introduced, the text of H.R. 1058 was identical to the text of Title II of H.R. 10, as reported to the House by the Committee on Commerce on February 24, 1995. H.R. 1058 was enacted into law as Public Law 104-67. For the legislative history of H.R. 1058, see the discussion of the Private Securities Litigation Reform Act of 1995 in this section.

## TO EXTEND THE AUTHORITY OF THE FEDERAL COMMUNICATIONS COMMISSION TO USE COMPETITIVE BIDDING IN GRANTING LICENSES AND PERMITS

(H.R. 1218)

To extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits.

*Summary*

The purpose of H.R. 1218 is to extend the Federal Communication Commission's (FCC) competitive bidding authority, which was originally granted in 1993 through Fiscal Year 1998. H.R. 1218 extends this authority for an additional 2 years, through the end of Fiscal Year 2000. The bill does not expand the scope of the authority beyond current authorization.

*Legislative History*

On March 13, 1995, Mr. Bliley introduced H.R. 1218 in the House. On March 15, 1995, a request that H.R. 1218 be considered directly by the Full Committee was agreed to by unanimous consent. The Full Committee then considered H.R. 1218 and ordered the bill reported to the House by a voice vote. The Committee re-

ported H.R. 1218 to the House on March 23, 1995 (H. Rpt. 104-88). No further action was taken on H.R. 1218 in the 104th Congress.

The provisions of H.R. 1218 were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995. For the legislative history of that bill, see the discussion of the Tax Fairness and Deficit Reduction Act of 1995 (H.R. 1215) in this section.

## FINANCIAL SERVICES COMPETITIVENESS ACT OF 1995

(H.R. 1062)

To enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial services providers.

*Summary*

The purpose of H.R. 1062 is to permit affiliations between full-service depository institutions and full-service securities companies.

First, it permits a firm to conduct both banking and full service securities activities under the legal framework of the Bank Holding Company Act, which H.R. 1062 renames the Financial Services Holding Company Act. Second, it requires that banking and securities activities be conducted in separate subsidiaries of the bank holding company or in separately identifiable divisions or departments of banks subject to "functional regulation" by the appropriate bank regulator and the Securities and Exchange Commission, respectively. Third, it imposes statutory "firewalls" and other restrictions in an effort to insulate the insured depository from risk associated with the securities affiliate and to prevent unfair competition. Finally, it imposes conflict of interest provisions relating to investment company activities.

The bill, as reported to the House by the Committee on Banking and Financial Services, does not include affiliations between banks and insurance companies and brokers.

*Legislative History*

On February 27, 1995, Mr. Leach introduced H.R. 1062 in the House. The bill was referred to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to both the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance.

On May 18, 1995, the Committee on Banking and Financial Services reported H.R. 1062 to the House (H. Rpt. 104-127, Part 1). Referral of the bill to the Committee on Commerce was extended for a period ending not later than June 16, 1995. On June 13, 1995, the Committee on Banking and Financial Services filed a supplemental report on H.R. 1062 in the House (H. Rpt. 104-127, Part 2).

The Subcommittee on Telecommunications and Finance held a joint hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on H.R. 1062 on June 6 and June 8, 1995. Testimony on securities related issues was received from Administration officials, representatives of securities and banking firms,

State financial officials, and representatives of other financial associations.

On June 13, 1995, the Subcommittee on Telecommunications and Finance met in open markup session to consider H.R. 1062 and approved H.R. 1062, as reported by the Committee on Banking and Financial Services, for Full Committee consideration, without recommendation, by a voice vote. On June 14, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials met in open markup session to consider H.R. 1062 and approved H.R. 1062, as reported by the Committee on Banking and Financial Services, for Full Committee consideration, without recommendation, by a voice vote.

On June 16, 1995, referral of H.R. 1062 to the Committee on Commerce was extended for a period ending not later than June 22, 1995. The Full Committee met in open markup session on June 16, 1995, and ordered H.R. 1062 reported to the House, as reported by the Committee on Banking and Financial Services, without recommendation, by a voice vote. On June 22, 1995, the Committee on Commerce reported H.R. 1062 to the House (H. Rpt. 104-127, Part 3).

No further action was taken in the House on H.R. 1062 in the 104th Congress.

## FCC MODERNIZATION ACT OF 1996

## (H.R. 3957)

To amend the Communications Act of 1934 to require the Federal Communications Commission to streamline its management, to eliminate unnecessarily burdensome regulatory provisions, and for other purposes.

*Summary*

The purpose of H.R. 3957 is: (1) to further reduce regulatory burdens on the telecommunications industry; (2) to streamline the operations of the Federal Communications Commission (FCC); and (3) to require the FCC to prepare a written plan for the future of the FCC in a competitive world.

H.R. 3957 requires the FCC to streamline its management and prepare an agency plan for accomplishing its current mission with reduced resources; repeals outdated and unnecessary provisions of the Communications Act of 1934; and reduces regulatory burdens and agency functions at the FCC. H.R. 3957 requires the FCC to prepare an interim report, within 6 months of enactment, and a detailed final report, within 1 year of enactment, to be submitted to the President and the appropriate authorizing Committees in Congress that includes: (1) detailed projections of agency financial and personnel requirements over the next 5 years; (2) the savings expected from automating and privatizing routine agency functions, and the date by which automation and privatization will be attained; (3) the appropriate level of funding for agency management and overhead expenses; and (4) any additional authority or statutory changes required to achieve the plan or carry out the purposes of this legislation.

In addition, H.R. 3957 repeals limited FCC authority to award Pioneer Preferences in licensing procedures to persons who make substantial contributions to the development of a new service or new technologies that substantially enhance an existing service. It also repeals Section 331(a) of the Communications Act of 1934 requiring the FCC to allocate VHF commercial television broadcast channels to ensure that, if technically feasible, each State has at least one such station, and to allow a station to relocate to a State where there is no VHF station.

*Legislative History*

On March 27 and March 28, 1996, the Subcommittee on Telecommunications and Finance held 2 days of oversight hearings on Federal Communications Commission Reform. Witnesses included the Chairman of the Federal Communications Commission (FCC), the FCC Commissioners, and representatives from private industry and private organizations. The hearing provided Members with the opportunity to examine the broad issue of the Commission's role and structure in the future and whether or not the FCC is currently operating at maximum efficiency.

On August 2, 1996, Mr. Fields of Texas and Mr. Dingell introduced H.R. 3957, the FCC Modernization Act of 1996, in the House.

The Subcommittee on Telecommunications and Finance met in open markup session to consider H.R. 3957 on September 12, 1996, and approved the bill for Full Committee consideration, as amended, by a voice vote.

No further action was taken on H.R. 3957 in the 104th Congress.

## TO REPEAL FOREIGN OWNERSHIP RESTRICTIONS ON LICENSED TELECOMMUNICATIONS FACILITIES

(H.R. 514)

To repeal the restrictions on foreign ownership of licensed telecommunications facilities.

*Summary*

The purpose of H.R. 514 is to repeal the foreign ownership restrictions under Section 310(b) of the Communications Act of 1934. In addition, H.R. 514 provides an exception to Section 310(a) of the Act by permitting the Federal Communications Commission to grant temporary or occasional licenses to foreign owned stations providing news transmissions via satellite to points outside the United States.

*Legislative History*

On February 21, 1995, Representatives Oxley, Boucher, Fields of Texas, Tauzin, and Hastert introduced H.R. 514 in the House.

On March 3, 1995, the Subcommittee on Commerce, Trade and Hazardous Material held an oversight hearing on trade implications of foreign ownership restrictions on telecommunications companies and whether legislative action was needed to address this issue. Testimony was received from a Member of Congress, the Chairman of the Federal Communications Commission, the Direc-

tor of the National Telecommunications and Information Administration, and representatives of the affected industries.

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 514 on May 10, May 11, and May 12, 1995. Testimony was received from over 50 witnesses, including representatives from the Federal government, industry, and private organizations. On May 17, 1995, the Subcommittee on Telecommunications and Finance met in open markup session and approved H.R. 1555 for Full Committee consideration in lieu of H.R. 514.

No further action occurred on H.R. 514 in the 104th Congress. However, provisions of H.R. 514 were included in H.R. 1555 as passed by the House, but were deleted during the conference with the Senate on S. 652, the Telecommunications Act of 1996. For the legislative history of those bills, see the discussion of the Telecommunications Act of 1996 (P.L. 104-104) in this section.

### TO PERMIT REGISTERED UTILITY HOLDING COMPANIES TO PROVIDE TELECOMMUNICATIONS SERVICES

(H.R. 912)

To permit registered utility holding companies to participate in the provision of telecommunications services.

*Summary*

Under the Public Utility Holding Company Act of 1935 (PUHCA), firms designated as registered holding companies, generally those utilities that provide multi-stage services and operate under a holding company structure where the holding company owns more than 10 percent of the outstanding securities in a public utility company, are subject to extensive regulation of their corporate and capital structure which prevents their involvement in the provision of telecommunications services. Specifically, the principal PUHCA restriction is Section 11 of the Act, which directs the Securities and Exchange Commission (SEC) to limit the non-utility interests of a registered holding company to those which are "reasonably incidental or economically necessary or appropriate to the operations of [an] integrated public-utility system." The SEC and the courts have interpreted these provisions to require a functional relationship between the proposed non-utility activity and a system's core utility operations. A registered holding company is, therefore, required to make an affirmative showing of the existence of a functional relationship between the proposed acquisition and the system's core utility business. In addition, PUHCA empowers the SEC to place numerous reporting requirements and restrictions on registered holding companies.

The purpose of H.R. 912 is to allow the utility firms to provide telecommunications services, thereby increasing competition in the local telephone business and yielding better services at lower prices for consumers. The bill includes provisions to address many of the concerns that led to the enactment of PUHCA while eliminating PUHCA's restrictions on registered holding companies entering the telecommunications marketplace. Specifically, the bill requires that the registered holding company create an affiliate separate from

the company providing utility service; requires the keeping of separate books for the affiliate; and allows State regulatory authorities the right to require an annual audit to examine the financial relationship between the affiliate and the parent utility firm. The bill also authorizes the SEC to promulgate rules concerning additional "risk assessment" reporting.

*Legislative History*

On February 13, 1995, Representatives Gillmor, Boucher, Fields of Texas, Hall of Texas, Hastert, and Tauzin introduced H.R. 912 in the House.

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 912 on May 10, May 11, and May 12, 1995. Testimony was received from over 50 witnesses, including representatives from the Federal government, industry, and private organizations. On May 17, 1995, the Subcommittee on Telecommunications and Finance met in open markup session and approved H.R. 1555 for Full Committee consideration in lieu of H.R. 912.

No further action occurred on H.R. 912 in the 104th Congress. However, provisions of H.R. 912 were included in H.R. 1555, as passed by the House, and in the conference report on S. 652. For the legislative history of those bills, see the discussion of the Telecommunications Act of 1996 (P.L. 104-104) in this section.

## TO REDUCE OWNERSHIP RESTRICTIONS ON BROADCASTING STATIONS AND OTHER MASS COMMUNICATIONS MEDIA

(H.R. 1556)

To amend the Communications Act of 1934 to reduce the restrictions on ownership of broadcasting stations and other media of mass communications.

*Summary*

The purpose of H.R. 1556 is to repeal the current national broadcast ownership restrictions and to replace those restrictions with a limitation on the national audience reach of 35 percent on television stations that can be owned or controlled by one entity. The national audience reach limitation would be increased to 50 percent in 1 year. Further, the Federal Communications Commission (FCC) is required to report to Congress within 3 years on the possibility of increasing or eliminating this limitation altogether.

H.R. 1556 also limits the ownership of television stations in a local market by any one entity. One entity may own two television stations that include a UHF/UHF or a UHF/VHF station ownership combination unless the FCC shows that such ownership would harm local diversity or competition. The FCC may also permit a VHF/VHF combination if it determines that such a combination would not harm local diversity or competition.

Finally, it allows the FCC to limit the concentration of local cross-media ownership when the acquisition of an additional media outlet would result in reducing the number of independent voices in a local market to two or fewer. Finally, H.R. 1556 grandfathers

current cross-ownership arrangements and protects owners from having to divest to comply with this restrictions.

*Legislative History*

On May 3, 1995, Representatives Stearns, Bliley, Fields of Texas, Schaefer, Gillmor, Hall of Texas, Oxley, White, Klug, and Hastert introduced H.R. 1556 in the House.

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 1556 on May 10, May 11, and May 12, 1995. Testimony was received from over 50 witnesses, including representatives from the Federal government, industry, and private organizations. On May 17, 1995, the Subcommittee on Telecommunications and Finance met in open markup session and approved H.R. 1555 for Full Committee consideration in lieu of H.R. 1556.

No further action occurred on H.R. 1556 in the 104th Congress. However, provisions of H.R. 1556 were included in H.R. 1555, as passed by the House, and in the conference report on S. 652. For the legislative history of those bills, see the discussion of the Telecommunications Act of 1996 (P.L. 104-104) in this section.

ANTITRUST CONSENT DECREE REFORM ACT OF 1995

(H.R. 1528)

To supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia, and for other purposes.

*Summary*

H.R. 1528 replaces the line of business restrictions contained in the Modification of Final Judgment (MFJ) entered in the AT&T case on August 24, 1982.

Specifically, H.R. 1528 establishes a new streamlined procedure under which the regional Bell Operating Companies (RBOCs) may, notwithstanding the MFJ's prohibitions, obtain authorization from the Attorney General to: (1) provide interexchange telecommunications services (*i.e.*, long distance service); (2) manufacture or provide telecommunications equipment; (3) manufacture customer premise equipment; or (4) provide alarm monitoring services.

In addition, H.R. 1528 addresses the issue of electronic publishing. H.R. 1528 prohibits the RBOCs from providing electronic publishing services over their own lines until June 30, 2000, unless they do so through a separate subsidiary or joint venture. The bill also sets forth the conditions under which the RBOCs can use these separate subsidiaries or joint ventures.

*Legislative History*

On May 5, 1995, Mr. Hyde introduced H.R. 1528 in the House. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

The Committee on the Judiciary reported H.R. 1528 to the House, amended, on July 24, 1995 (H. Rpt. 104-203, Part 1.) On July 24, 1995, the referral of H.R. 1528 to the Committee on Com-

merce was extended for a period ending not later than July 24, 1995. Subsequently, the Committee on Commerce was discharged from further consideration of H.R. 1528 on July 24, 1995.

No further action occurred on H.R. 1528 in the 104th Congress. However, provisions of H.R. 1528 were included in H.R. 1555, as passed by the House, and in the conference report on S. 652. For the legislative history of those bills, see the discussion of the Telecommunications Act of 1996 (P.L. 104-104) in this section.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1996

(H.R. 1869)

To amend the Communications Act of 1934 to extend the authorizations of appropriations of the Federal Communications Commission, and for other purposes.

*Summary*

H.R. 1869 amends the Communications Act of 1934 to authorize appropriations for the Federal Communications Commission (FCC). H.R. 1869 authorizes an appropriation of $186,000,000 for Fiscal Year 1996, with additional sums as may be required for necessary nondiscretionary cost increases. In addition, H.R. 1869 authorizes the FCC to expand licensing fees from telecommunications entities in order to cover the costs of certain regulatory activities. The legislation also clarifies certain provisions of the Communications Act of 1934 and the FCC's authority under the Act. Finally, it modifies and reduces burdensome requirements of the FCC.

*Legislative History*

On June 16, 1995, Mr. Fields of Texas and Mr. Markey introduced H.R. 1869 in the House. On June 19, 1995, the Subcommittee on Telecommunications and Finance held a hearing on H.R. 1869. Testimony was received from the Chairman of the Federal Communications Commission and the four Federal Communications Commission Commissioners.

No further action was taken on H.R. 1869 in the 104th Congress. However, on September 13, 1995, the Full Committee considered a Committee Print entitled "Communications: Federal Communications Commission Authorization," which contained provisions of H.R. 1869, and ordered the Committee Print transmitted to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995. For the legislative history of that bill, see the discussion of the Balanced Budget Act of 1995 (H.R. 2491) in this section.

Provisions of H.R. 1869 were also included Title IV of Public Law 104-104, the Telecommunications Act of 1996. For the legislative history of that bill, see the discussion of the Telecommunications Act of 1996 in this section.

DEPARTMENT OF COMMERCE DISMANTLING ACT

(H.R. 1756, S. 929)

To abolish the Department of Commerce.

*Summary*

H.R. 1756 replaces the Department of Commerce (DOC) with the Commerce Programs Resolution Agency (CPRA), which is limited to 3 years to wind up and discontinue the functions and obligations of the DOC before the CPRA itself is abolished. H.R. 1756 terminates outright many of the agencies and programs within the DOC, and limits annual expenditures for any function not terminated to 75 percent of their FY 1994 expenditures.

In particular, H.R. 1756 transfers the functions and duties of the National Telecommunications and Information Administration (NTIA) to the Federal Communications Commission. All grant programs overseen by NTIA are terminated, including the Public Telecommunications Facilities Program, the Telecommunications Information Infrastructure Administration Program, and the National Endowment for Children's Educational Television.

H.R. 1756 further transfers many of the non-terminated trade related functions of the DOC to the United States Trade Representative (USTR), including many of the functions of the International Trade Administration (ITA). Specific offices within ITA that are effectively transferred by the ITA include the Office of Telecommunications, the Office of Finance, and the Office of Service Industries and Finance. The functions of the Secretary of Commerce under the International Investment and Trade in Services Survey Act and certain provisions of the Export Administration Act are transferred to the Secretary of the Treasury.

*Legislative History*

On June 7, 1995, Mr. Chrysler and 51 cosponsors introduced H.R. 1756 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, the Committee on Banking and Financial Services, the Committee on International Relations, the Committee on National Security, the Committee on Agriculture, the Committee on Ways and Means, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on Science, and the Committee on Resources.

Within the Committee on Commerce, the bill was referred to both the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance.

The Subcommittee on Telecommunications and Finance and the Subcommittee on Commerce, Trade, and Hazardous Materials held a joint hearing on H.R. 1756 on July 24, 1995. Testimony was received from Members of Congress, representatives of the Administration, State officials, and representatives of various industries.

The Committee on Commerce took no further action on H.R. 1756. However, on September 14 and 19, 1995, the Full Committee met in open markup session to consider a Committee Print entitled "Department of Commerce Abolition". On September 19, 1995, the Full Committee approved the Committee Print, as amended, for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995, by a roll call vote of 25 yeas to 19 nays. For the legislative history of that bill, see the discussion of the Balanced Budget Act of 1995 (H.R. 2491) in this section.

The Committee on Ways and Means reported H.R. 1756 to the House on September 24, 1995 (H. Rpt. 104-260, Part 1.) No further action was taken on H.R. 1756 in the House in 104th Congress.

S. 929, an identical bill to H.R. 1756, was introduced in the Senate on June 15, 1995, by Senators Abraham, Dole, Faircloth, Nickles, Gramm, and Brown, and referred to the Senate Committee on Governmental Affairs. On October 20, 1995, the Senate Committee on Governmental Affairs reported S. 929 to the Senate (S. Rpt. 104-164). No further action was taken on S. 929 in the 104th Congress.

## CAPITAL MARKETS DEREGULATION AND LIBERALIZATION ACT OF 1995

(H.R. 2131)

To amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets.

*Summary*

The purpose of H.R. 2131 is to provide a more efficient regulatory structure for capital formation.

The legislation seeks to create a national uniform system of registration for securities offerings that currently are subject to the Federal securities laws as well as individual State securities laws in order to make a more logical regulatory structure and eliminate the unnecessary costs and burdens associated with overlapping regulation.

In addition to the creation of a national securities market, the legislation makes the following changes to the capital markets. It establishes a presumption that a broker or dealer is not liable for the investment decisions of an institutional investor unless the parties have entered into a contract for such advice.

The legislation also eliminates the disclosure required under the Williams Act, while maintaining its anti-fraud provision, and amends the Securities Exchange Act of 1934 to repeal certain provisions governing margin requirements to promote competition for lending sources available to broker dealers.

H.R. 2131 also changes the prospectus delivery requirements to allow for delivery only if requested in order to reduce costs to securities issuers, and grants the Securities and Exchange Commission (SEC) exemptive authority to eliminate unnecessary regulations. Additionally, it directs the SEC, when promulgating a new rule or exemption, to consider efficiency, capital formation, and competition. It also includes a provision that increases the maximum asset size of public offerings that may be exempted under Section 5 of the Securities Act of 1933 from $5 million to $15 million.

Other provisions of the legislation effect changes by: (1) reducing the number of SEC commissioners from five to three; (2) directing the SEC to solicit proposals for the privatization of the EDGAR system; (3) streamlining self-regulatory organization (SRO) rule changes by modifying the timetable for public notice of proposed rule changes; (4) directing the SEC to designate a primary SRO and examining authority for brokers and dealers; (5) amending the Securities Act of 1933 to allow U.S. reporters in foreign press conferences; and (6) repealing the Trust Indenture Act of 1939.

*Legislative History*

H.R. 2131 was introduced in the House on July 27, 1995, by Representatives Fields of Texas, Frisa, Oxley, Gillmor, Paxon, Hastert, Barton of Texas, and White.

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 2131 and the current state of regulation of the securities markets on November 14, November 30, and December 5, 1995. Testimony was received from State and Federal regulators as well as representatives of industry trade groups and financial experts.

On March 7, 1996, the Subcommittee on Telecommunications and Finance met in open markup session and approved H.R. 3005 for Full Committee consideration in lieu of H.R. 2131.

No further action occurred on H.R. 2131 in the 104th Congress. However, major provisions of H.R. 2131 were included in H.R. 3005, as passed by the House and Senate, and enacted into law as Public Law 104-290. For the legislative history of H.R. 3005, see the discussion of the National Securities Markets Improvement Act of 1996 in this section.

## INVESTMENT COMPANY ACT AMENDMENTS OF 1995

## (H.R. 1495)

To amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.

*Summary*

The purpose of H.R. 1495 is to update Federal securities laws to reduce costly regulation and facilitate competition in the mutual fund industry, the fastest growing segment of our capital markets, in order to promote capital formation that benefits investors as well as the companies issuing the securities.

H.R. 1495 provides more efficient management of mutual funds by amending the Investment Company Act of 1940 (the Act) to change corporate governance requirements, and modifies the guidelines for: (1) investment advisory and underwriting contracts; (2) selection of accountants and auditors; (3) changes in investment policy; (4) information filing; (5) voting procedures; and (6) the definition of a majority vote. The legislation directs the Securities and Exchange Commission (SEC) to promulgate rules to permit an investment company broader use of advertising, but maintains the Federal anti-fraud provisions that apply to such advertising.

The legislation also facilitates the regulation of mutual funds by expanding the SEC's record keeping and inspection authority under the Act, and authorizes the SEC to exempt a unified fee investment company (UFIC) from specified statutory prescriptions, including the directors' fiduciary duty regarding advisory fees charged by the UFIC. It also contains language that narrows the strictures governing deceptive or misleading investment company names.

Promoting investment and capital formation is accomplished by modifying the guidelines that exempt investment companies with 100 or fewer investors from the Act, and providing a new exemp-

tion from the Act for investment companies that sell their securities only to "qualified investors," which are defined as (1) institutional investors that own or manage on a discretionary basis $100 million in securities, or (2) natural persons who own at least $10 million in securities.

H.R. 1495 amends the Act to lift restrictions on mutual funds making investments in other mutual funds in the same complex. Finally, it grants the SEC rulemaking authority to exempt persons, securities, or transactions (that may not otherwise qualify for the exemption) from the restrictions on funds of funds if consistent with the protection of investors.

*Legislative History*

On April 7, 1995, Mr. Fields of Texas and Mr. Markey introduced H.R. 1495, the Investment Company Act Amendments of 1995, in the House.

The Subcommittee on Telecommunications and Finance held a hearing on H.R. 1495 on October 31, 1995. Testimony was received from representatives of mutual fund companies, industry trade groups, and Federal regulators.

On March 7, 1996, the Subcommittee on Telecommunications and Finance met in open markup session and approved H.R. 3005 for Full Committee consideration in lieu of H.R. 1495.

No further action occurred on H.R. 1495 in the 104th Congress. However, provisions of H.R. 1495 were included in H.R. 3005, as passed by the House and Senate, and enacted into law as Public Law 104-290. For the legislative history of H.R. 3005, see the discussion of the National Securities Markets Improvement Act of 1996 in this section.

## PUBLIC BROADCASTING SELF-SUFFICIENCY ACT OF 1996

(H.R. 2979)

To ensure the financial self-sufficiency of public broadcasting, and for other purposes.

*Summary*

The purpose of H.R. 2979, the Public Broadcasting Self-Sufficiency Act of 1996, is to assist public broadcasting in making the transition away from Federal government appropriations while ensuring that the industry continues to fulfill its traditional missions.

The bill amends various sections of the Communications Act of 1934 pertaining to public broadcasting and gives public broadcasting stations more flexibility in their operations, including ways of raising revenues.

The legislation includes a menu of earned income options from which public broadcasting stations could choose. First, noncommercial educational (NCE) broadcast stations would be allowed to broadcast programs produced by, at the expense of, or furnished by, persons other than the licensee, and the NCE stations would be allowed to receive compensation for broadcasting those programs. Second, UHF and VHF swaps would be allowed. Third, the bill would permit licensees of two overlapping NCE stations to operate one station for remunerative purposes, including the transmission

of commercial television programming, subscription television, and pay-per-view services, if the stations have filed a joint operating agreement with the Federal Communications Commission (FCC) and a certain amount of the remuneration from the commercial station is dedicated to the overlapping station. Neither station would be eligible for station grants from the Corporation for Public Broadcasting (CPB).

Fourth, the bill would permit a licensee of two overlapping stations to sell one station if the proceeds are dedicated to the retained station. The remaining station would not be eligible for a CPB station grant. Fifth, the bill would allow stations that voluntarily submit their licenses to the FCC for auction to be reimbursed for a portion of the proceeds. Finally, the earned income option would allow "extended underwriting."

The bill also establishes a trust fund to provide ongoing support for public broadcasting after Congressional appropriations cease at the end of Fiscal Year 2000. Finally, the bill makes a number of changes to CPB operations, to ensure a smooth transition when CPB is privatized after appropriations cease.

*Legislative History*

On February 28, 1996, Representatives Fields of Texas, Porter, Oxley, Moorhead, Schaefer, Barton of Texas, Hastert, Gillmor, and Frisa introduced H.R. 2979, the Public Broadcasting Self-Sufficiency Act of 1996, in the House.

On February 29, 1996, the Subcommittee on Telecommunications and Finance held a hearing on H.R. 2979. Testimony was received from representatives of the Corporation for Public Broadcasting, public radio and television stations, independent producers, and minority organizations.

No further action was taken on H.R. 2979 in the 104th Congress.

## OVERSIGHT ACTIVITIES

### SECURITIES AND EXCHANGE COMMISSION'S REPORT: THE REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES

The Subcommittee on Telecommunications and Finance held 2 days of joint hearings with the Subcommittee on Energy and Power on the repeal or reform of the Public Utility Holding Company Act of 1935 (PUHCA). At the hearings held on August 4, 1995, and October 13, 1995, witnesses from the Securities and Exchange Commission (SEC), the Federal Energy Regulatory Commission (FERC), and State and private organizations focused on the SEC's report on PUHCA, its recommendations, and how PUHCA reform or repeal impacts the issue of electric utility industry restructuring.

### FEDERAL MANAGEMENT OF THE RADIO SPECTRUM

On September 7, 1995, the Subcommittee on Telecommunications and Finance held an oversight hearing on the use of the radio spectrum by the Federal government, focusing on the Federal spectrum management activities of the Department of Commerce's National Telecommunications and Information Administration (NTIA). Witnesses included a representative from the NTIA, as well as several

representatives from private research organizations. The panel discussed the spectrum needs of the Federal government in relation to its current allocation of spectrum. Testimony received at the hearing assisted the Committee in the development of the legislative language included in H.R. 2491, the Balanced Budget Act of 1995, as it related to the spectrum auctions. For the legislative history of H.R. 2491, see the discussion of that bill in this section.

### FUTURE OF PUBLIC BROADCASTING

On September 12, 1995, the Subcommittee on Telecommunications and Finance held an oversight hearing on the future of public broadcasting. Specifically, the hearing focused on ways of promoting self-sufficiency in the public broadcasting industry, so that it is able to function without Federal appropriations while ensuring that it continues to fulfill its traditional missions. The hearing also dealt with problems within the industry, legislative and regulatory restrictions that require change, and ways of promoting efficiencies in all levels of public broadcasting. The witnesses represented public radio and television stations, public broadcasting organizations, and commercial broadcasters.

As a result of this hearing, H.R. 2979, the Public Broadcasting Self-Sufficiency Act of 1996, was introduced in the House on February 28, 1996. The Subcommittee on Telecommunications and Finance held a legislative hearing on H.R. 2979 on February 29, 1996. For the legislative history of H.R. 2979, see the discussion of the Public Broadcasting Self-Sufficiency Act of 1996 in this section.

### FEDERAL MANAGEMENT OF THE RADIO SPECTRUM: ADVANCED TELEVISION SERVICES

On March 21, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on the use and management of the electromagnetic spectrum as it relates to awarding licenses for advanced television services (ATV). Witnesses included a Member of Congress and representatives from the Congressional Budget Office, the Federal Communications Commission, the National Telecommunications and Information Administration, and the broadcasting industry, and other experts.

### FEDERAL COMMUNICATIONS COMMISSION REFORM

On March 27 and 28, 1996, the Subcommittee on Telecommunications and Finance held 2 days of oversight hearings on reform of the Federal Communications Commission (FCC). Witnesses included the Chairman of the FCC, the FCC Commissioners, and representatives from private industry and private organizations. The hearing provided Members with the opportunity to examine the broad issue of the Commission's role and structure in the future and whether or not the Commission is currently operating at maximum efficiency. Testimony received at these hearings assisted the Subcommittee on Telecommunications and Finance during its consideration of H.R. 3957, the FCC Modernization Act of 1996, which it approved for Full Committee consideration on September 12, 1996. For the legislative history of H.R. 3957, see the discussion of that bill in this section.

IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

On July 18, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on Federal Communications Commission (FCC) implementation of the Telecommunications Act of 1996, signed into law on February 8, 1996. Witnesses included the Chairman of the FCC and three FCC Commissioners. The purpose of the hearing was to determine if the FCC is meeting the deadlines imposed by the Act and if the FCC is adhering to the statute.

RESTRUCTURING OF INTERNATIONAL SATELLITE ORGANIZATIONS

In May of 1996, the Chairman of the Committee on Commerce requested that the General Accounting Office (GAO) conduct and report on the competitive impact of: (1) possible alternative approaches to reforming INTELSAT and Inmarsat; (2) an Inmarsat affiliate company, formed in 1994 to provide new services; and (3) proposals for restructuring INTELSAT.

On July 8, 1996, the GAO submitted a report to the Committee on Commerce entitled *Competitive Impact of Restructuring the International Satellite Organizations*. The GAO determined that the competitive impact of any alternative approach for the treaty organizations depends on how the resulting organizations are structured, particularly with regard to the number of separate entities created and the degree to which they are owned by the parent organization, or its owners, in its present form or in a new form. In particular, GAO determined that the more entities that are created, the more competitive the market will be. It also concluded that the lower the proportion of ownership by the parent organization or its owners, the more likely it is that the restructuring will improve competition.

GAO also concluded in its report that the structure of ICO, an Inmarsat affiliate, could give the affiliate a competitive edge over private satellite providers. Under the terms of its organization, at least 70 percent of the affiliate will be owned by Inmarsat and some of Inmarsat's signatories. With their ownership interest in the affiliate, these signatories may have the incentive to grant access to their markets to the affiliate and to preclude or inhibit access to other private satellite providers, even though the private satellite provider might offer services at lower prices. GAO also concluded that the effect on competition of either proposal for restructuring INTELSAT depends on the degree to which it can reduce the market dominance that INTELSAT enjoys in certain markets and encourage countries to open their telecommunications markets to new entrants.

Finally, GAO concluded that: (1) the treaty organizations have benefited from their intergovernmental status and a variety of advantages designed to help ensure their success in achieving worldwide satellite communications; (2) advances in technology and increases in demand have transformed the industry into one that may provide profitable business opportunities for private firms; (3) making changes to the present structure of the treaty organizations could be difficult because doing so would likely depend on achieving consensus among member nations around the world that have a

broad range of perspectives and interests; and (4) consumers, however, would benefit from increased competition in the marketplace.

On September 25, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on the restructuring of international satellite organizations (ISOs), INTELSAT and Inmarsat. Witnesses included representatives from the Federal Government, private satellite telecommunications providers, and Comsat, the U.S. signatory to both Inmarsat and INTELSAT. The focus of this hearing was to hear testimony on the proposals and efforts to restructure INTELSAT and Inmarsat, and on how competition can be brought to international satellite communications.

## HEARINGS HELD

*Common Sense Legal Reforms Act.*—Hearing on H.R. 10, Title II, Reform of Private Securities Litigation. Hearing held on January 19, 1995. PRINTED, Serial Number 104-2.

*Common Sense Legal Reforms Act.*—Hearing on H.R. 10, Title II, Reform of Private Securities Litigation. Hearing held on February 10, 1995. PRINTED, Serial Number 104-2.

*Communications Law Reform.*—Hearing on H.R. 1555, the Communications Act of 1995; H.R. 912, a bill to permit registered utility holding companies to participate in the provision of telecommunications services; H.R. 514, a bill to repeal the restrictions on foreign ownership of licensed telecommunications facilities; and H.R. 1556, a bill to amend the Communications Act of 1934 to reduce the restrictions on ownership of broadcast stations and other media. Hearing held on May 10, 1995. PRINTED, Serial Number 104-34.

*Communications Law Reform.*—Hearing on H.R. 1555, the Communications Act of 1995; H.R. 912, a bill to permit registered utility holding companies to participate in the provision of telecommunications services; H.R. 514, a bill to repeal the restrictions on foreign ownership of licensed telecommunications facilities; and H.R. 1556, a bill to amend the Communications Act of 1934 to reduce the restrictions on ownership of broadcast stations and other media. Hearing held on May 11, 1995. PRINTED, Serial Number 104-34.

*Communications Law Reform.*—Hearing on H.R. 1555, the Communications Act of 1995; H.R. 912, a bill to permit registered utility holding companies to participate in the provision of telecommunications services; H.R. 514, a bill to repeal the restrictions on foreign ownership of licensed telecommunications facilities; and H.R. 1556, a bill to amend the Communications Act of 1934 to reduce the restrictions on ownership of broadcast stations and other media. Hearing held on May 12, 1995. PRINTED, Serial Number 104-34.

*The Financial Services Competitiveness Act of 1995.*—Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on H.R. 1062, the Financial Services Competitiveness Act of 1995. Hearing held on June 6, 1995. PRINTED, Serial Number 104-33.

*The Financial Services Competitiveness Act of 1995.*—Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on H.R. 1062, the Financial Services Competitiveness Act

of 1995. Hearing held on June 8, 1995. PRINTED, Serial Number 104-33.

*Reauthorization of the Federal Communications Commission.*—Hearing on H.R. 1869, the Federal Communications Commission Authorization Act of 1995. Hearing held on June 19, 1995. PRINTED, Serial Number 104-28.

*Department of Commerce Dismantling Act.*—Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on H.R. 1756, the Department of Commerce Dismantling Act of 1995. Hearing held on July 24, 1995. PRINTED, Serial Number 104-48.

*The Securities and Exchange Commission Report Entitled: The Regulation of Public Utility Holding Companies.*—Joint Oversight Hearing with the Subcommittee on Energy and Power on the Securities and Exchange Commission's Report, "The Regulation of Public Utility Holding Companies". Hearing held on August 4, 1995. PRINTED, Serial Number 104-62.

*Federal Management of the Radio Spectrum.*—Oversight Hearing on Federal Management of the Radio Spectrum. Hearing held on September 7, 1995. PRINTED, Serial Number 104-35.

*The Future of Public Broadcasting.*—Oversight Hearing on the Future of Public Broadcasting. Hearing held on September 12, 1995. PRINTED, Serial Number 104-37.

*The Securities and Exchange Commission Report Entitled: The Regulation of Public Utility Holding Companies.*—Joint Oversight Hearing with the Subcommittee on Energy and Power on the Securities and Exchange Commission's Report, "The Regulation of Public-Utility Holding Companies". Hearing held on October 13, 1995. PRINTED, Serial Number 104-62.

*The Investment Company Act Amendments of 1995.*—Hearing on H.R. 1495, the Investment Company Act Amendments of 1995. Hearing held on October 31, 1995. PRINTED, Serial Number 104-41.

*The Philanthropy Protection Act of 1995.*—Hearing on H.R. 2519, the Philanthropy Protection Act of 1995. Hearing held on October 31, 1995. PRINTED, Serial Number 104-38.

*Capital Markets Deregulation and Liberalization Act of 1995.*—Hearing on H.R. 2131, the Capital Markets Deregulation and Liberalization Act of 1995. Hearing held on November 14, 1995. PRINTED, Serial Number 104-50.

*Capital Markets Deregulation and Liberalization Act of 1995.*—Hearing on H.R. 2131, the Capital Markets Deregulation and Liberalization Act of 1995. Hearing held on November 30, 1995. PRINTED, Serial Number 104-50.

*Capital Markets Deregulation and Liberalization Act of 1995.*—Hearing on H.R. 2131, the Capital Markets Deregulation and Liberalization Act of 1995. Hearing held on December 5, 1995. PRINTED, Serial Number 104-50.

*The Securities and Exchange Commission Reauthorization Act of 1996.*—Hearing on H.R. 2972, the Securities and Exchange Commission Authorization Act of 1996. Hearing held on February 28, 1996. PRINTED, Serial Number 104-61.

*The Public Broadcasting Self-Sufficiency Act of 1996.*—Hearing on H.R. 2979, the Public Broadcasting Self-Sufficiency Act of 1996.

Hearing held on February 29, 1996. PRINTED, Serial Number 104-58.

*Federal Management of the Radio Spectrum: Advanced Television Services.*—Oversight Hearing on the Federal Management of the Radio Spectrum: Advanced Television Services. Hearing held on March 21, 1996. PRINTED, Serial Number 104-75.

*Reform of the Federal Communications Commission.*—Oversight Hearing on Federal Communications Commission Reform. Hearing held on March 27, 1996. PRINTED, Serial Number 104-82.

*Reform of the Federal Communications Commission.*—Oversight Hearing on Federal Communications Commission Reform. Hearing held on March 28, 1996. PRINTED, Serial Number 104-82.

*Implementation of the Telecommunications Act of 1996.*—Oversight Hearing on the Implementation of the Telecommunications Act of 1996. Hearing held on July 18, 1996. PRINTED, Serial Number 104-98.

*Restructuring of International Satellite Organizations.*—Oversight Hearing on Restructuring of International Satellite Organizations. Hearing held on September 25, 1996. PRINTED, Serial Number 104-111.

## SUBCOMMITTEE ON COMMERCE, TRADE, AND HAZARDOUS MATERIALS

(Ratio 15-12)

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(Ex Officio)

*Jurisdiction:* Solid Waste, hazardous waste and toxic substances, including Superfund and RCRA (excluding mining, oil, gas, and coal combustion wastes); noise pollution control; interstate and foreign commerce, including trade matters within the jurisdiction of the full committee; motor vehicle safety; regulation of commercial practices (the FTC); insurance, except health insurance; consumer protection in general, consumer product safety (the CPSC) and product liability; regulation of travel, tourism, and time.

## LEGISLATIVE ACTIVITIES

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

### Public Law 104-106 (S. 1124, H.R. 1530)

### (Hazardous Materials Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

*Summary*

Public Law 104-106 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with hazardous materials related issues. Although Members of the Committee on Commerce were not appointed as conferees on S. 1124, they were appointed as conferees on H.R. 1530, the predecessor legislation to S. 1124 which was vetoed by the President.

These provisions include provisions of H.R. 714 that deal with certain land conveyances involving the Joliet Army Ammunition Plant which would create a Midewin National Tallgrass Prairie

from the Joliet Arsenal. Public Law 104-106 also includes: (1) changes to existing law regarding Restoration Advisory Boards (RABs) which work in conjunction with the environmental cleanup of national defense facilities; and (2) changes to existing law governing the Department of Defense's ability to lease parcels of defense facilities which may have environmental contamination. For the legislative history of H.R. 714, see the discussion of the Illinois Land Conservation Act of 1995 in this section.

*Legislative History*

On August 7, 1995, the Senate Committee on Armed Services reported S. 1124 to the Senate as an original measure (No Written Report).

On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. Following the passage of H.R. 1530, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1124 and passed the bill amended with the text of Division A of S. 1026, as amended by the Senate. S. 1124 was received in the House and held at the Speaker's desk on September 14, 1995. For the legislative history of H.R. 1530, see the discussion of that bill in this section.

On December 30, 1995, the President vetoed H.R. 1530. The House failed to override the veto on January 3, 1996, by a roll call vote of 240 yeas to 156 nays. On January 5, 1996, the House took S. 1124 from the Speaker's desk by unanimous consent, and, by a voice vote, passed the bill amended with the text of the H.R. 1530 as reported by the committee of conference on December 13, 1995, as contained in H. Rpt. 104-406. The House insisted on its amendment, requested a conference with the Senate, and appointed conferees. Although Members of the Committee on Commerce had been appointed as conferees on H.R. 1530, the predecessor legislation to S. 1124, they were not appointed conferees on S. 1124 because the issues within the jurisdiction of the Committee on Commerce were resolved during the conference on H.R. 1530 and were not the subject of the President's veto of that bill.

On January 5, 1996, the Senate disagreed to the House amendment to S. 1124, agreed to a conference with the House, and appointed conferees. Conference meetings were held on January 18 and January 19, 1996. On January 19, 1996, the conferees agreed to file a conference report. The conference report was filed in the House on January 22, 1996 (H. Rpt. 104-450). The provisions of the conference report dealing with those issues under the jurisdiction of the Committee on Commerce were identical to those contained in the conference report on H.R. 1530.

The House agreed to the conference report on January 24, 1996, by a roll call vote of 287 yeas to 129 nays. The Senate agreed to the conference report on January 26, 1996, by a roll call vote of 56 yeas to 34 nays. On January 30, 1996, S. 1124 was presented to the President. On February 10, 1996, the President signed S. 1124 into law (P.L. 104-106).

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Public Law 104-113 (H.R. 2196, H.R. 1870, H.R. 2405)

(Section 11—Fastener Quality Act Amendments)

To amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

*Summary*

Section 6 of H.R. 1870, the American Technology Advancement Act of 1995; Section 606 of H.R. 2405, the Omnibus Civilian Science Authorization Act of 1995; and Section 11 of H.R. 2196, the National Technology Transfer and Advancement Act of 1995, all amend the Fastener Quality Act (P.L. 101-592), an act which falls within the jurisdictions of both the Committee on Commerce and the Committee on Science.

Section 11 of H.R. 2196 contains essentially the same amendments recommended by the advisory panel convened by the original Act. The amendments (1) eliminate certain Congressional findings, (2) change the technical standards used in the definitions of "alter" and "fastener," (3) strike a section which provides a waiver procedure for the exemption of certain fasteners from the Act's requirements, (4) provide an alternative procedure for determining the chemical characteristics of fasteners, (5) eliminate the requirement that each shipment of fasteners be accompanied by a manufacturer's certification and instead require that such certification be retained for inspection by the manufacturer or the Secretary of Commerce, (6) eliminate the Act's prohibition against commingling of fastener lots, and (7) reduce the record keeping requirements from 10 years to 5 years.

*Legislative History*

H.R. 1870 was introduced in the House on June 16, 1995, by Mrs. Morella, and referred solely to the Committee on Science. On June 28, 1995, the Committee on Science ordered H.R. 1870 reported to the House, as amended, by a voice vote. The Committee on Science reported H.R. 1870 to the House on August 4, 1995 (H. Rpt. 104-232).

On August 3, 1995, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Science indicating that Section 6 of H.R. 1870 included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that the Committee on Commerce had reviewed the action taken by the Science Committee and in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 1870, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On August 4, 1995, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 1870 and the Commerce Committee's prerogatives with respect to this bill.

No further action was taken on H.R. 1870 in the House. However, on September 27, 1995, H.R. 2405 was introduced in the House by Representatives Walker, Sensenbrenner, Morella, Rohrabacher, and Schiff. The bill was referred to the Committee on Science, and in addition to the Committee on Commerce and the Committee on Resources. H.R. 2405 consolidated into one bill provisions of seven bills previously reported to the House by the Committee on Science, including amendments to the Fastener Quality Act contained in H.R. 1870.

On September 29, 1995, the Committee on Rules granted a rule providing for the consideration of H.R. 2405 (H. Res. 234). On October 11, 1995, the House passed H. Res. 234 by a voice vote. The House considered H.R. 2405 on October 11 and October 12, 1995, and on October 12, 1995, passed the bill, amended, by a roll call vote of 248 yeas to 161 nays. During House consideration of H.R. 2405, Mr. Walker offered an amendment to Section 606 of H.R. 2405, which simplified the commingling provisions of the Fastener Quality Act. The amendment was adopted by a voice vote. H.R. 2405, as passed by the House, was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation on October 17, 1995. No further action was taken in the Senate on H.R. 2405 in the 104th Congress.

On August 4, 1995, H.R. 2196 was introduced in the House by Representatives Morella, Walker, Brown of California, and Tanner. The bill was referred solely to the Committee on Science. On December 7, 1995, the Committee on Science reported H.R. 2196 to the House (H. Rpt. 104-390).

Prior to this action, on November 30, 1995, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Science indicating that H.R. 2196 included provisions within the jurisdiction of the Commerce Committee, but in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 2196, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On December 1, 1995, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 2196 and the Commerce Committee's prerogatives with respect to this bill.

As reported to the House, Section 11 of H.R. 2196 included the provisions amending the Fastener Quality Act that were contained in H.R. 2405, as passed by the House on October 12, 1995. The House considered H.R. 2196 under Suspension of the Rules, and passed the bill by a voice vote on December 12, 1995.

On December 13, 1995, H.R. 2196 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. On February 7, 1996, the Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 2196, and the Senate considered and passed the bill, amended, by a voice vote. On February 27, 1996, the House considered the Senate amendments under Suspension of the Rules, and agreed to the Senate amendments by a voice vote. H.R. 2196 was presented to the President

on February 28, 1996. The President signed H.R. 2196 into law on March 7, 1996 (P.L. 104-113).

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1996

Public Law 104-119 (H.R. 2036)

To amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

*Summary*

H.R. 2036 addresses two Environmental Protection Agency (EPA) regulations that were overturned on judicial review. In each case, EPA sought a flexible, risk management approach to the regulation of land disposal of wastes. In both cases, the courts rejected EPA's approach and directed the Agency to promulgate a more stringent and costly approach.

The first case concerns the "Third Third" Land Disposal Restriction Rule. On May 8, 1990, EPA promulgated regulations implementing statutory land disposal restrictions for characteristic, hazardous waste under Subtitle C of the Solid Waste Disposal Act. The rule provided exemptions for two categories of waste: (1) wastes in treatment systems ultimately regulated under the Clean Water Act; and (2) wastes disposed in nonhazardous deep injection wells regulated under the Safe Drinking Water Act. In *Chemical Waste Management v. EPA,* 976 F.2d 2 (D.C. Cir. 1992), the Court overturned EPA's approach with regard to the two exempted categories. Section 2 of H.R. 2036 requires that the EPA complete a study of these two categories of hazardous waste to characterize risks to human health and the environment associated with the management of the wastes. Upon receipt of additional information or upon completion of the study, the EPA may impose additional requirements to address such risks.

The second case involves ground water monitoring requirements at municipal landfills. On October 9, 1991, EPA promulgated regulations to exempt certain small municipal solid waste landfills from ground water monitoring requirements. The intent of the exemption was to provide some relief for municipalities with little annual precipitation and a daily disposal of less than 20 tons of solid waste. In May 1993, the U.S. Circuit Court of Appeals for the District of Columbia Circuit overturned the EPA's regulations in *Natural Resources Defense Council v. EPA.* The court held that EPA was without authority to issue an exemption for ground water monitoring, thus eliminating the benefits of the promulgated rule. The ground water monitoring provision of H.R. 2036 provides an exemption for small municipal solid waste landfills that dispose of less than 20 tons of municipal solid waste daily, provided there is no evidence of ground water contamination from the municipal solid waste unit.

*Legislative History*

On July 13, 1995, Mr. Oxley introduced H.R. 2036 in the House. The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 2036 on July 20, 1995. The hearing also in-

cluded H.R. 1696, a bill to authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the ground water monitoring requirements contained in landfill regulations promulgated by the Agency. Testimony was received from representatives of the Environmental Protection Agency, the Association of State and Territorial Solid Waste Management Officials, the environmental community, and the affected business community. The Subcommittee met in open markup session to consider H.R. 2036 on November 30, 1995, and approved the bill, as amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 2036 on December 21, 1995, and ordered the bill reported, as amended, to the House by a voice vote. The Committee reported H.R. 2036 to the House on January 30, 1996 (H. Rpt. 104-454).

The House considered H.R. 2036 under Suspension of the Rules on January 30 and January 31, 1996, and on January 31, 1996, passed the bill by a roll call vote of 402 yeas to 19 nays. H.R. 2036, as passed by the House, was received in the Senate and referred to the Senate Committee on Environment and Public Works on February 1, 1996.

On February 20, 1996, the Senate Committee on Environment and Public Works was discharged from further consideration of H.R. 2036. The Senate then considered and passed H.R. 2036, amended, on February 20, 1996. On March 7, 1996 the House agreed to the Senate amendments to H.R. 2036, clearing the measure for the President.

H.R. 2036 was presented to the President on March 15, 1996. The President signed H.R. 2036 into law on March 26, 1996 (P.L. 104-119.)

## CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

### Public Law 104-121 (H.R. 3136, H.R. 994)

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

*Summary*

Public Law 104-121, the Contract with America Advancement Act of 1996, is a three-title bill which includes: (1) provisions concerning regulatory reform and Congressional review of rulemaking activities by Federal departments and agencies, including those under the jurisdiction of the Committee on Commerce; and (2) provisions relating to health issues.

Title I of H.R. 3136, the Senior Citizens Right to Work Act of 1996, amends Title II of the Social Security Act (SSA) to allow persons of retirement age to increase their earnings under the earnings limits set by the SSA.

Title I includes a provision under the Commerce Committee's jurisdiction which directs the Commissioner of Social Security to: (1) ensure that funds made available for continuing disability reviews are used, to the greatest extent practicable, to maximize the combined savings in the Old-Age, Survivors, and Disability Insurance

(OASDI), Supplemental Security Income (SSI), Medicare, and Medicaid programs; and (2) provide annually, at the conclusion of each of the 7 years from Fiscal Year 1996 through Fiscal Year 2002, a report to Congress on continuing disability reviews that includes the results of such reviews in terms of cessations of benefits or determinations of continuing eligibility, by program.

Title II of H.R. 3136, the Small Business Regulatory Enforcement Fairness Act of 1996, provides regulatory reform for small businesses, as defined in Title II, and Congressional review of Federal agency rules. The major provisions of Title II are as follows:

(1) requires agencies to provide increased compliance assistance to small businesses;
(2) requires the Small Business Administration (SBA) to designate a "Small Business and Agriculture Regulatory Enforcement Ombudsman" to provide a confidential channel for audited small businesses to comment on such procedures;
(3) requires the SBA to establish regional "Small Business Regulatory Fairness Boards" to report to the Ombudsman;
(4) allows administrative and judicial courts to award fees and costs to small businesses if the judgment demanded by an agency is substantially in excess of that awarded;
(5) amends the Regulatory Flexibility Act to require an analysis by the promulgating agency of the effects of a rule on small businesses; and
(6) lays out a framework for Congressional review of newly promulgated agency rules.

This legislation will require the Subcommittee on Commerce, Trade, and Hazardous Materials to review recently promulgated rules by the Federal agencies and departments within its jurisdiction, including the Department of Commerce, the Federal Trade Commission, and the Consumer Product Safety Commission.

Title III of H.R. 3136, Public Debt Limit, raises the public debt limit to $5.5 trillion.

*Legislative History*

On February 21, 1995, H.R. 994, the Regulatory Sunset and Review Act of 1995, was introduced in the House by Representatives Chapman, Mica, DeLay, Deal of Georgia, and Geren of Texas. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary.

On October 19, 1995, the Committee on Government Reform and Oversight reported H.R. 994 to the House (H. Rpt. 104-284, Part 1). The referral of the bill to the Committee on the Judiciary was extended for a period ending not later than November 3, 1995. On October 26, 1995, H.R. 994, as reported by the Committee on Government Reform and Oversight, was referred to the Committee on Commerce, sequentially, for a period ending not later than November 3, 1995.

On October 25, 1995, the Committee on Commerce scheduled a Full Committee hearing on H.R. 994. On October 30, 1995, the Full Committee hearing was cancelled because of scheduling conflicts. In lieu of the Full Committee hearing, the Committee conducted a briefing on November 3, 1995, at which representatives of the Office of Management and Budget, the Consumer Product Safety

Commission, the Nuclear Regulatory Commission, the Department of Energy, the Department of Transportation, the Federal Trade Commission, the Environmental Protection Agency, the Securities Exchange Commission, and the Food and Drug Administration presented the views of their respective departments and agencies on the impact of, and concerns with, the provisions of H.R. 994, as reported to the House by the Committee on Government Reform and Oversight.

On November 3, 1995, the referral of H.R. 994 to the Committee on the Judiciary was extended for a period ending not later than November 7, 1995. On November 3, 1995, the Committee on Commerce was discharged from further consideration of H.R. 994. On November 7, 1995, the Committee on the Judiciary reported H.R. 994 to the House (H. Rpt. 104-284, Part 2). On February 29, 1996, the Rules Committee met and granted a rule providing for the consideration of H.R. 994. The rule was filed in the House as H. Res. 368 on February 29, 1996. H. Res. 368 made in order, as an original bill for purposes of amendment, an Amendment in the Nature of a Substitute to be offered by Mr. Hyde and printed in the *Congressional Record* (Printed in the *Congressional Record* on February 29, 1996.) On April 17, 1996, H. Res. 368 was laid on the table by unanimous consent.

On March 21, 1996, Mr. Archer introduced H.R. 3136 in the House. H.R. 3136 contained language similar to H.R. 994. As introduced in the House, Title II, Subtitles A through D, of H.R. 3136 aimed to achieve the same goal as Sections 102 and 103 of H.R. 994, as scheduled for consideration by the House under the provisions of H. Res. 368. The goal of Sections 102 and 103, "Rules Commented on by SBA Chief Counsel for Advocacy" and "Sense of Congress Regarding SBA Chief Counsel for Advocacy," respectively, was to achieve a streamlined and effective regulatory process for small businesses. Additionally, Subtitle E of Title II of H.R. 3136, "Congressional Review," contains only one section, Section 807, that differs from Title III of H.R. 994, as scheduled for consideration by the House.

H.R. 3136 was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, the Committee on Rules, the Committee on the Judiciary, the Committee on Small Business, and the Committee on Government Reform and Oversight.

On March 27, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3136. The rule was filed in the House on March 27, 1996 as H. Res. 391 (H. Rpt. 104-500). On March 28, 1996, the House passed H. Res. 391 by a roll call vote of 232 yeas to 177 nays. H. Res. 391 provided, among other things, that amendments printed in the Committee report on H. Res. 391 shall be considered as adopted.

The House considered H.R. 3136 on March 28, 1996, and passed the bill, by a roll call vote of 328 yeas to 91 nays. On March 28, 1996, H.R. 3136 was received in the Senate. The Senate proceeded to the immediate consideration of H.R. 3136 on March 28, 1996, and passed the bill without amendment.

On March 29, 1996, H.R. 3136 was presented to the President. The President signed H.R. 3136 into law on March 29, 1996 (P.L. 104-121).

## MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT OF 1996

Public Law 104-142 (H.R. 2024, S. 619)

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

*Summary*

H.R. 2024 is a two title bill which amends the Solid Waste Disposal Act to ban or limit the use of mercury in most consumer batteries and to alter certain hazardous waste requirements with respect to spent rechargeable batteries to facilitate the recycling of such batteries.

*Title I—Rechargeable Battery Recycling Act*

Under the Solid Waste Disposal Act (SWDA), used rechargeable batteries are considered to be "hazardous waste" because of their heavy metal content. Such batteries are subject to the regulatory requirements applicable to hazardous waste under Subtitle C of that Act. Household waste is exempted from the requirements of Subtitle C, but waste from commercial sources is not exempted.

Title I of H.R. 2024 makes rechargeable batteries subject to the regulatory requirements of 40 CFR 273, known as the "Universal Waste Rule." Title I also prohibits the sale of a rechargeable battery or a rechargeable consumer product unless the battery bears a label stating that it must be recycled.

*Title II—Mercury-Containing Battery Management Act*

Title II prohibits the sale in the United States after the date of enactment of this Act of (1) zinc-carbon batteries which contain mercury that was intentionally introduced; (2) button cell mercuric oxide batteries; and (3) alkaline-manganese batteries which contain mercury that was intentionally introduced, except that alkaline-manganese button cell batteries may contain up to 25 milligrams of intentionally-introduced mercury. It prohibits the sale of mercuric-oxide batteries in the United States after such date unless the manufacturer or importer of the battery identifies and informs purchasers of a collection site where the battery can be properly disposed of or recycled.

*Legislative History*

On July 12, 1995, Representatives Klug, Gillmor, Bilirakis, Brown of Ohio, Fields of Texas, Franks of Connecticut, Hastert, Lincoln, Manton, Pallone, Richardson, Stearns, Tauzin, and Thurman introduced H.R. 2024 in the House.

On August 30, 1995, the Senate Committee on Environment and Public Works reported S. 619, a companion bill to H.R. 2024, to the Senate (S. Rpt. 104-136). On September 21, 1995, the Senate, by

unanimous consent, proceeded to the immediate consideration of S. 619 and passed the bill. On September 27, 1995, S. 619 was received in the House and referred to the Committee on Commerce.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 2024 and S. 619 on March 21, 1996. The Subcommittee received testimony from the U.S. Environmental Protection Agency, representatives of State and local governments, and the battery manufacturing and retailing industries.

On April 16, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials, was discharged from further consideration of H.R. 2024 by unanimous consent and the Full Committee proceeded in an open markup session to consider H.R. 2024. The Full Committee ordered H.R. 2024 reported, amended, by a voice vote, to the House. The Committee reported H.R. 2024 to the House on April 23, 1996 (H. Rpt. 104-530).

The House considered H.R. 2024 under Suspension of the Rules and passed the bill on April 23, 1996, by a voice vote. H.R. 2024, as passed by the House, was received in the Senate on April 24, 1996, and placed on the Senate Calendar.

On April 25, 1996, the Senate considered and passed H.R. 2024, without amendment, by a voice vote. H.R. 2024 was presented to the President on May 2, 1996. The President signed H.R. 2024 into law on May 13, 1996 (P.L. 104-142).

## ANTI-CAR THEFT IMPROVEMENTS ACT OF 1996

### Public Law 104-152 (H.R. 2803)

To amend the anti-car theft provisions of Title 49, United States Code, to increase the utility of motor vehicle theft information to State and Federal law enforcement officials, and for other purposes.

*Summary*

H.R. 2803, the Anti-Car Theft Improvements Act of 1996, makes a number of technical and substantive changes to those provisions of the Anti-Car Theft Act of 1992 which establish a National Motor Vehicle Title Information System to provide access for States to automobile titling information maintained by other States. This system would allow a State motor vehicle authority to check instantly whether a motor vehicle had been stolen before it issues a title for that vehicle.

Jurisdiction over the Anti-Car Theft Act of 1992 is shared by the Committee on Commerce and the Committee on the Judiciary. The Committee on Commerce worked with the Judiciary Committee to develop legislative language to address the Committee's concerns and expedite consideration of this important legislation.

H.R. 2803 returns the system's title to the National Motor Vehicle Title Information System (NMVTIS), the originally enacted title, from the National Automobile Title Information System, a change made by the Law Revision Counsel.

The legislation also transfers authority for the implementation of the NMVTIS from the Department of Transportation to the Department of Justice. It directs the Attorney General, by no later than December 31, 1997, to establish a NMVTIS that will provide speci-

fied individuals and entities with instant and reliable access to information maintained by the States relating to motor vehicle titling. It also directs the Attorney General to report to Congress on which States have met requirements with respect to NMVTIS by no later than October 1, 1998.

H.R. 2308 also grants immunity from any civil action seeking money damages or equitable relief in any Federal or State court for any person performing activities, in good faith and with the reasonable belief that such activities were in accordance with Federal provisions, relating to NMVTIS and the National Stolen Passenger Motor Vehicle Information System (NSPMVIS).

Finally, the Act authorizes the Attorney General to make grants to participating States to be used in making titling information available and authorizes appropriations to carry out provisions regarding State participation in NMVTIS and NSPMVIS.

*Legislative History*

On December 18, 1995, Representatives McCollum, Schumer, Coble, Heineman, Schiff, Durbin, Bryant of Tennessee, Lofgren, Rogers, Conyers, Petri, Kleczka, and Hamilton introduced H.R. 2803 in the House. The bill was referred solely to the Committee on the Judiciary. On June 12, 1996, the Committee on the Judiciary reported H.R. 2803 to the House (H. Rpt. 104-618).

On January 23, 1996, the Chairman of the Committee on Commerce sent a letter to the Speaker concerning the referral of H.R. 2803 and expressing a number of substantive problems with the bill which fall within the Commerce Committee's jurisdiction. During the Judiciary Committee's consideration of H.R. 2803, the Committee on Commerce worked with the Judiciary Committee to develop legislative language to address the Committee's concerns. As a result of these negotiations, an agreement was reached on a number of technical and substantive changes which would be offered as a Floor amendment to H.R. 2803. On April 29, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Judiciary Committee indicating that, based on the agreement reached between the two Committees and in order to expedite consideration, the Commerce Committee would not seek a sequential referral of H.R. 2803.

On June 18, 1996, the House considered H.R. 2803 under Suspension of the Rules and passed the bill, as amended, by a voice vote. H.R. 2803, as passed by the House, was received in the Senate on June 19, 1996. On June 20, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2803 and passed the bill without amendment. H.R. 2803 was presented to the President on June 25, 1996. The President signed H.R. 2803 into law on July 2, 1996 (P.L. 104-152).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

### Public Law 104-201 (H.R. 3230, S. 1745)

### (Hazardous Materials Related Provisions)

To authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

Public Law 104-201 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with hazardous materials related issues. Members of the Committee on Commerce were appointed as conferees on these provisions.

These provisions include three amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), all of which were added during the Senate consideration of this bill. The first provision provides a new authority to defer the listing of a Federal facility on the CERCLA National Priorities List if a cleanup is taking place under the authority of a different law, such as the Resource Conservation and Recovery Act. The second provision changes existing law to allow for the transfer of all, or a portion, of a Federal facility prior to a completed cleanup, as long as certain requirements are met. Finally, the legislation includes a provision making a change to the definition of "uncontaminated" property under CERCLA. The Committee on Commerce supported the inclusion of these provisions in the final bill.

*Legislative History*

H.R. 3230 was introduced in the House on April 15, 1996, by Mr. Spence and Mr. Dellums and referred to the Committee on National Security. On May 7, 1996, the Committee on National Security reported H.R. 3230 to the House (H. Rpt. 104-563). The House considered H.R. 3230 on May 14 and 15, 1996, and on May 15, 1996, passed the bill, amended, by a roll call vote of 272 yeas to 153 nays. On May 17, 1996, H.R. 3230 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 13, 1996, the Senate Committee on Armed Forces reported a companion bill, S. 1745, to the Senate (S. Rpt. 104-267). On May 15, 1996, S. 1745 was referred to the Senate Committee on Intelligence, which reported the bill to the Senate on June 11, 1996 (S. Rpt. 104-278). The Senate considered S. 1745 on June 18, June 19, June 20, June 24, June 25, June 26, June 27, June 28, and July 10, 1996. On July 10, 1996, the Senate passed S. 1745 by a roll call vote of 68 yeas to 31 nays. The Senate, by unanimous consent, then took H.R. 3230 from the Senate Calendar and passed the bill, amended with the text of S. 1745 as passed by the Senate. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees.

On July 17, 1996, the House disagreed to the Senate amendment to H.R. 3230, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 3230 was filed in the House on July 30, 1996 (H. Rpt. 104-724). The House agreed to the conference report on August 1, 1996, by a roll call vote of 285 yeas to 132 nays. The Senate considered the conference report on September 9 and September 10, 1996, and agreed to the

conference report by a roll call vote of 73 yeas to 26 nays on September 10, 1996.

H.R. 3230 was presented to the President on September 13, 1996. On September 23, 1996, the President signed H.R. 3230 into law (P.L. 104-201.)

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Public Law 104-208 (H.R. 3610, S. 1894, H.R. 4278)

(Hazardous Materials Related Provisions)

Making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, and for other purposes.

*Summary*

H.R. 3610 served as an omnibus continuing appropriations measure for those Federal agencies which did not have individual Fiscal Year 1997 appropriations measures enacted into law. Affected agencies and entities included the Departments of Justice, Commerce, State, Defense, Interior, Labor, Health and Human Services, Education, and the Treasury, as well as the Post Office and the Judiciary. Independent agencies such as the Federal Trade Commission were also funded by the bill. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3610. The Committee on Commerce supported the inclusion of these provisions in the public law.

Specifically, Public Law 104-208 contains a comprehensive Economic Growth and Regulatory Paperwork Reduction Act of 1996, certain provisions of which are within the jurisdiction of the Committee on Commerce. Subtitle E of that Act, entitled the "Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996", amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to provide protections to the financial community with respect to liability under CERCLA. These provisions were within the Committee on Commerce's jurisdiction. Members of the Committee were involved in the processing of the legislation, and similar provisions were included in Superfund reform legislation considered by the Committee.

*Legislative History*

H.R. 3610 was introduced in the House on June 11, 1996, by Mr. Young of Florida and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 104-617). On June 13, 1996, the House considered and passed H.R. 3610, amended, by a roll call vote of 278 yeas to 126 nays.

On June 14, 1996, H.R. 3610 was received in the Senate and referred to the Senate Committee on Appropriations. On June 20, 1996, the Senate Committee on Appropriations reported S. 1894, a companion bill, to the Senate (S. Rpt. 104-286). The Senate considered S. 1894 on July 11, July 17, and July 18, 1996. On July 18, 1996, the Committee on Appropriations was discharged from further consideration of H.R. 3610, and the bill was passed, by a roll

call vote of 72 yeas to 21 nays, as amended with the text of S. 1894, as amended by the Senate. Subsequently, S. 1894 was returned to the Senate Calendar and no further action was taken on that bill. The Senate then insisted on its amendment to H.R. 3610, requested a conference with the House, and appointed conferees on July 18, 1996.

On July 30, 1996, the House disagreed to the Senate amendment to H.R. 3610, agreed to a conference with the Senate, and appointed conferees. The conference report on H.R. 3610 was filed in the House on September 28, 1996 (H. Rpt. 104-863). On September 28, 1996, the House agreed to the conference report on H.R. 3610 by roll call vote of 370 yeas to 37 nays. Pursuant to a unanimous consent agreement reached earlier that day, upon the adoption of the conference report on H.R. 3610, H.R. 4278, a bill making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, was considered as passed. The text of H.R. 4278 was identical to the text contained in the conference report on H.R. 3610.

On September 30, 1996, the Senate considered and passed H.R. 4278 by a roll call vote of 84 yeas to 15 nays. Then Senate then agreed to the conference report on H.R. 3610 by a voice vote. On September 30, 1996, H.R. 3610 was presented to the President. On September 30, 1996, the President signed H.R. 3610 into law (P.L. 104-208).

## FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1996

### Public Law 104-216 (H.R. 3553, S. 1840)

To amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

*Summary*

H.R. 3553, the Federal Trade Commission Reauthorization Act of 1996, authorizes appropriations of $107 million for Fiscal Year 1997 and $111 million for Fiscal Year 1998. These amounts represent a current services budget for the FTC and contemplate no increase in the number of full-time equivalent (FTE) personnel.

*Legislative History*

On May 30, 1996, Mr. Oxley and Mr. Manton introduced H.R. 3553 in the House. The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 3553 on July 11, 1996. Testimony was received from the Chairman and Commissioners of the Federal Trade Commission. On July 18, 1996, the Subcommittee met in open markup session to consider H.R. 3553 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 3553 on July 24, 1996, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3553 to the House on August 2, 1996 (H. Rpt. 104-754).

The House considered H.R. 3553 under Suspension of the Rules and passed the bill by a voice vote on September 4, 1996. H.R.

3553, as passed by the House, was received in the Senate on September 5, 1996, and placed on the Senate Calendar.

On July 31, 1996, the Senate Committee on Commerce, Science, and Transportation reported S. 1840, a companion bill, to the Senate (S. Rpt. 104-342.) No further action was taken on S. 1840 in the 104th Congress. Instead, on September 13, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3553 and passed that bill without amendment.

H.R. 3553 was presented to the President on September 20, 1996. The President signed H.R. 3553 into law on October 1, 1996 (P.L. 104-216).

## PROFESSIONAL BOXING SAFETY ACT OF 1996

### Public Law 104-272 (H.R. 4167, H.R. 1186, S. 187)

To provide for the safety of journeymen boxers, and for other purposes.

*Summary*

H.R. 4167 improves the ability of State-authorized boxing commissions to provide proper oversight of professional boxing, and establishes a minimum level of health and safety standards for professional boxers. It ensures that no professional boxing match may be conducted without the supervision of a State-authorized boxing commission. It creates a uniform system of registration, licensing, and reporting, which is regulated and managed by States and private interests. Procedures are outlined for mutual recognition, review, and appeal of boxer suspensions. Minimum safety standards are established with the manner and extent left up to the States, including a pre-fight physical exam by a licensed physician, a physician and an ambulance or medical personnel with appropriate resuscitation equipment continuously present at ringside, and health insurance for each boxer to provide medical coverage for injuries sustained during a match.

The Act also provides that members and employees of boxing commissions and the Association of Boxing Commissions are prohibited from belonging to, contracting with, or receiving compensation from those who sanction, arrange, or promote professional boxing matches or who have a financial interest in a boxer.

Two studies are authorized, one by the Secretary of Labor to determine the feasibility of a national pension system for boxers; the second by the Department of Health and Human Services (National Institute for Occupational Safety and Health) to develop recommendations for health, safety, and equipment standards for boxing.

Finally, the Act empowers the Attorney General to enforce this legislation, and authorizes States to adopt additional regulations and penalties that are not inconsistent with these purposes.

*Legislative History*

On January 10, 1995, Mr. McCain and Mr. Bryan introduced S. 187, a companion bill to H.R. 1186, in the Senate. On October 19, 1995, the Senate Committee on Commerce, Science, and Transportation reported S. 187 to the Senate (S. Rpt. 104-159). On October

31, 1995, the Senate, by unanimous consent proceeded to the immediate consideration of S. 187 and passed the bill, amended. On November 1, 1995, S. 187 was received in the House and referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Commerce, Trade, and Hazardous Materials.

On March 9, 1995, Mr. Oxley introduced H.R. 1186 in the House. The bill was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce. On June 11, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials, and the Committee on Economic and Educational Opportunities Subcommittee on Workforce Protections held a joint hearing on H.R. 1186 and S. 187. Testimony was received from Members of Congress, State boxing commissioners and associations, professional boxers, and doctors with fight supervision experience.

On July 18, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials met in open markup session to consider H.R. 1186, and approved the bill for Full Committee consideration, as amended, by a roll call vote of 11 yeas and 10 nays. No further action was taken by the House on S. 187.

The Full Committee met in open markup session to consider H.R. 1186 on September 18, 1996, and ordered the bill reported to the House, amended, by a voice vote. The Committee on Commerce reported H.R. 1186 to the House on September 24, 1996 (H. Rpt. 104-833, Part 1). No further action was taken on H.R. 1186 in the House in the 104th Congress.

On September 25, 1996, Representatives Williams, Oxley, and Manton introduced H.R. 4167 in the House. H.R. 4167 was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce. The text of H.R. 4167 was identical to the text of H.R. 1186, as reported to the House by the Committee on Commerce on September 24, 1996.

On September 25, 1996, the House considered H.R. 4167 under Suspension of the Rules, thereby discharging the Committee on Commerce and the Committee on Economic and Educational Opportunities from further consideration. On that same date, H.R. 4167 passed the House by a voice vote. H.R. 4167, as passed by the House, was received in the Senate on September 26, 1996, read twice, and placed on the Senate Calendar.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 4167 and passed the bill without amendment. H.R. 4167 was presented to the President on September 30, 1996. The President signed H.R. 4167 into law on October 9, 1996 (P.L. 104-272).

### UNITED STATES NATIONAL TOURISM ORGANIZATION ACT OF 1996

Public Law 104-288 (H.R. 2579, S. 1735)

To establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

*Summary*

H.R. 2579 establishes a United States National Tourism Organization (USNTO) as a privately-funded, non-profit, non-Federal organization. The purpose of the USNTO is to promote the United States share of the international travel and tourism market, develop and implement a national travel and tourism strategy, advise the President and Congress on how to implement this strategy and on other critical matters affecting the travel and tourism industry, conduct travel and tourism market research, and promote the interests of the United States travel and tourism industry at international trade shows. The Act provides that the governing board of USNTO will consist of a broad cross-section of the American travel and tourism industry.

The Act also requires Federal agencies, which conduct activities relating to international travel and tourism, to give priority consideration to USNTO's recommendations, and to report to Congress on any travel and tourism activities carried out with the participation of the United States Federal government. Finally, H.R. 2579 repeals the authorization for the United States Travel and Tourism Administration and revises the travel and tourism-related responsibilities of the Secretary of the Department of Commerce to be more narrowly focused only on those functions which the private sector is unable to implement effectively.

*Legislative History*

On November 2, 1995, H.R. 2579 was introduced in the House by Representatives Roth, Skelton, Clement, Petri, Morella, Frazer, Gejdenson, Lincoln, Abercrombie, Oxley, Vucanovich, Zeliff, Boehlert, Burton of Indiana, Doolittle, Dixon, Roemer, Seastrand, McCollum, Pickett, Oberstar, and Farr. The bill was referred to the Committee on Commerce, and in addition to the Committee on International Relations.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a joint hearing with the Committee on International Relations Subcommittee on Economic Policy and Trade on H.R. 2579 on January 24, 1996. Testimony was received from Department of Commerce officials, foreign tourism commissioners, and executives from the travel and tourism industry. The Subcommittee on Commerce, Trade, and Hazardous Materials met in open markup session to consider H.R. 2579 on May 7, 1996, and approved the bill for Full Committee consideration, amended, by a voice vote. The Full Committee met in open markup session to consider H.R. 2579 on July 24, 1996, and ordered the bill reported to the House, as amended, by a voice vote.

The Senate Committee on Commerce, Science, and Transportation reported a companion bill, S. 1735, to the Senate on July 31, 1996. On August 2, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1735 and passed the bill. S. 1735 was received in the House on September 4, 1996, and referred to the Committee on Commerce, and in addition, to the Committee on International Relations. No further action was taken on S. 1735 in the House in the 104th Congress.

The Committee on Commerce reported H.R. 2579 to the House on September 25, 1996 (H. Rpt. 104-839, Part 1). Referral of the

bill to the Committee on International Relations was extended for a period ending not later than September 25, 1996. On September 25, 1996, the Committee on International Relations was discharged from further consideration of H.R. 2579.

The House considered H.R. 2579 under Suspension of the Rules and passed the bill, amended, on September 26, 1996, by a voice vote. H.R. 2579, as passed by the House, was received in the Senate on September 26, 1996, read twice, and placed on the Senate Calendar.

On September 28, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2579 and passed the bill without amendment. H.R. 2579 was presented to the President on October 2, 1996. The President signed H.R. 2579 into law on October 11, 1996 (P.L. 104-288).

## BALANCED BUDGET ACT OF 1995

### (H.R. 2491)

(Title XVII, as passed by the House—Department of Commerce Abolition)

To provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for Fiscal Year 1996.

*Summary*

Title XVII of H.R. 2491, the Balanced Budget Act of 1995, as passed by the House, contains provisions relating to the abolition of the Department of Commerce, which fall within the jurisdiction of the Committee on Commerce.

The purpose of Title XVII is to reduce Federal spending and the size of the Federal government by dismantling the Department of Commerce. This title terminates many of the Department's grant-making programs, eliminates the Department's agencies for which authorization has expired, abolishes several of the Department's recently created super-bureaucracies, and consolidates the remaining functions into other Departments or agencies. Except for the Bureau of the Census and the Patent and Trademark Office, a spending cap of 75 percent of FY 1994 expenditures is imposed on all transferred agencies or functions.

*Legislative History*

On September 14, and September 19, 1995, the Full Committee considered a Committee Print entitled "Department of Commerce Abolition". On September 19, 1995, the Full Committee approved the Committee Print, as amended, for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995 by a roll call vote of 25 yeas to 19 nays. Prior to this action, on July 24, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a joint hearing with the Subcommittee on Telecommunications and Finance on H.R. 1756, the Department of Commerce Dismantling Act of 1995. For the legislative history of that bill, see the discussion of the Department of Commerce Dismantling Act of 1995 (H.R. 1756) in this section.

The provisions of this Committee Print were included in the text of Title XVII of H.R. 2491 as reported to the House by the Committee on the Budget on October 17, 1995 (H. Rpt. 104-280, Volumes I and II). The House considered H.R. 2491 on October 25 and October 26, 1995, and passed the bill on October 26, 1995, by a roll call vote of 227 yeas to 203 nays. H.R. 2491 was received in the Senate on October 27, 1995, read twice, and placed on the Senate Calendar. The Senate passed H.R. 2491 on October 28, 1995, as amended, by a roll call vote of 52 yeas to 47 nays. On October 30, 1995, the House disagreed to the Senate amendments, requested a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The Senate insisted on its amendments, agreed to a conference with the House, and appointed conferees on November 13, 1995.

On November 15, 1995, the conference report was filed in the House (H. Rpt. 104-347). On November 17, 1995, the House passed H. Res. 272 which vacated the proceedings with respect to H. Rpt. 104-347, and the conference report was refiled in the House as H. Rpt. 104-350. The provisions dealing with the Department of Commerce Abolition were deleted from the final legislation because of assertions by the Senate conferees that consideration of these provisions was prohibited by Section 313(b) of the Congressional Budget Act.

On December 6, 1995, the President vetoed H.R. 2491 and returned the bill to the House (H. Doc. 104-141). The veto message and the accompanying bill were referred to the Committee on the Budget on December 6, 1995.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

### (H.R. 1530, S. 1026)

### (Hazardous Materials Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

H.R. 1530 as presented to the President included a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with hazardous materials related issues. Members of the Committee on Commerce were appointed as conferees on these provisions.

These provisions include provisions of H.R. 714 that deal with certain land conveyances involving the Joliet Army Ammunition Plant which would create a Midewin National Tallgrass Prairie from the Joliet Arsenal. H.R. 1530 also includes: (1) changes to existing law regarding Restoration Advisory Boards (RABs) which work in conjunction with the environmental cleanup of national defense facilities; and (2) changes to existing law governing the Department of Defense's ability to lease parcels of defense facilities which may have environmental contamination. For the legislative

history of H.R. 714, see the discussion of the Illinois Land Conservation Act of 1995 in this section.

*Legislative History*

H.R. 1530 was introduced in the House by Mr. Spence and Mr. Dellums on May 2, 1995, and referred to the Committee on National Security. The Committee on National Security reported the bill to the House on June 1, 1995 (H. Rpt. 104-131).

The House considered H.R. 1530 on June 13, June 14, and June 15, 1995; on June 15, 1995, the House passed H.R. 1530, as amended, by a roll call vote of 300 yeas to 126 nays. H.R. 1530, as passed by the House, was received in the Senate and referred to the Senate Committee on Armed Services on June 20, 1995.

On July 12, 1995, the Senate Committee on Armed Services reported a companion bill, S. 1026, to the Senate (S. Rpt. 104-112). The Senate considered S. 1026 on August 2, August 3, August 4, August 5, August 9, September 5, and September 6, 1995. On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. The Senate insisted on its amendment to H.R. 1530 and requested a conference with the House. Senate conferees were appointed on September 8, 1995.

On September 21, 1995, the House disagreed to the Senate amendment to H.R. 1530, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 1530 was filed in the House on December 13, 1995 (H. Rpt. 104-406). The House agreed to the conference report, by a roll call vote of 267 yeas to 149 nays, on December 15, 1995. The Senate agreed to the conference report, by a roll call vote of 51 yeas to 43 nays on December 19, 1995. The bill was presented to the President on December 22, 1995.

On December 28, 1995, the President vetoed H.R. 1530. On January 3, 1996, the veto message on H.R. 1530 was received and read in the House (H. Doc. 104-155). The House then considered H.R. 1530 and failed to pass the bill, the objections of the President to the contrary notwithstanding, by a roll call vote of 240 yeas to 156 nays. The veto message and the accompanying bill were referred to the Committee on National Security on January 3, 1996.

Subsequently, the House and Senate passed S. 1124, which was signed into law by the President on February 10, 1996 (Public Law 104-106). For the legislative history of S. 1124, see the discussion of that bill in this section.

## COMMON SENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

(H.R. 956, H.R. 917, H.R. 1075, S. 565)

To establish legal standards and procedures for product liability litigation, and for other purposes.

*Summary*

H.R. 956 improves the uniformity of State and Federal product liability laws. Specifically, it sets forth liability standards for product sellers, provides a liability defense where a claimant is more than 50 percent responsible for an accident causing harm as a result of intoxication or improper drug usage, and reduces any damages for harm attributable to a claimant's misuse or alteration of a product. It establishes a uniform 2 year statute of limitation from when the claimant discovers, or reasonably should have discovered, the harm and the cause of the harm, and a 15 year statute of repose where a claimant is eligible for workers' compensation and has not suffered a chronic illness.

H.R. 956 establishes nonbinding alternative dispute resolution procedures. It sets forth minimum standards for punitive damage awards, requiring clear and convincing evidence of conscious, flagrant indifference to the rights or safety of others, and setting proportionality limits of the lesser of $250,000 or 2 times the harm for individuals with net worth less than $500,000 and organizations with fewer than 25 employees, and the greater of $250,000 or 2 times the harm for other persons. A court may award additional damages after considering specific factors (profitability of the misconduct, etc.), and must set forth the reasons for so doing.

H.R. 956 also provides that a defendant's liability for noneconomic damages shall be several only and not joint, and that each defendant's liability for noneconomic damages shall be in direct proportion to its percentage of responsibility for the harm caused. It sets forth a uniform workers compensation subrogation procedure, preventing claimants from recovering both product liability damages and workers" compensation, and allowing defendant manufacturers to reduce a damage award by the amount of such compensation already awarded. It also reforms the liability standards for biomaterials suppliers, particularly by expediting dismissal of unwarranted lawsuits to minimize litigation expenditures.

Finally, H.R. 956 applies to all civil product liability actions, except those governed under established commercial or contract law, and applies to any action filed after the date of enactment, regardless of when the harm occurred.

*Legislative History*

On February 13, 1995, Mr. Oxley introduced H.R. 917 in the House. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Commerce, Trade, and Hazardous Materials for a period ending not later than February 21, 1995.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 917 on February 21, 1995. Testimony was received from associations representing manufacturers, wholesalers, and retailers, trial lawyer associations, State legislator councils, and small business owners. On February 21, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials was discharged from further consideration of H.R. 917.

The Full Committee met in open markup session to consider H.R. 917 on February 22 and February 23, 1995. On February 23, 1995, the Full Committee ordered H.R. 917 reported to the House, amended, by a roll call vote of 26 yeas to 17 nays. The Committee reported H.R. 917 to the House on March 1, 1995 (H. Rpt. 104-63, Part 1).

On February 15, 1995, Mr. Hyde and Mr. Hoke introduced H.R. 956 in the House. That bill was referred solely to the Committee on the Judiciary. On March 2, 1995, the Committee on the Judiciary reported H.R. 956, as amended, to the House (H. Rpt. 104-64, Part 1). On the same day, H.R. 956 was referred to the Committee on Commerce sequentially for a period ending not later than March 7, 1995.

On March 7, 1995, the Chairman of the Committee on Commerce sent a letter to the Speaker waiving the Commerce Committee's right to mark up H.R. 956 without prejudicing its jurisdiction with respect to product liability legislation, in order to expedite consideration of this legislation by the House. The Chairman further asked that Commerce Committee action taken on H.R. 917 and the Committee's report thereon (H. Rpt. 104-63, Part 1) be incorporated into the legislative history on H.R. 956.

The House considered H.R. 956 on March 8, March 9, and March 10, 1995. On March 9, 1995, the House passed H. Res. 109, the rule which made it in order to consider the text of H.R. 1075 as an original bill for purposes of amendment on the House Floor. H.R. 1075 reflected a consensus agreement developed by the Committee on Commerce and the Committee on the Judiciary, and contained provisions from both H.R. 917 and H.R. 956. The House passed H.R. 956, as amended, by a roll call vote of 265 yeas to 161 nays on March 10, 1995. H.R. 956, as passed by the House, was received in the Senate on March 14, 1995, and read for the first time. On March 15, 1995, H.R. 956 was read for the second time and placed on the Senate Calendar.

On April 18, 1995, the Senate Committee on Commerce, Science, and Transportation reported its version of product liability legislation to the Senate as S. 565 (S. Rpt. 104-69). No further action was taken on S. 565 in the Senate in the 104th Congress.

The Senate considered H.R. 956 on April 24, April 25, April 26, April 27, May 1, May 2, May 3, May 5, May 8, May 9, and May 10, 1995. The Senate passed H.R. 956, as amended, by a roll call vote of 61 yeas to 37 nays, on May 10, 1995.

The House disagreed to the Senate amendment to H.R. 956 on November 9, 1995, requested a conference with the Senate, and appointed conferees. On November 28, 1995, the Senate insisted on its amendment, agreed to a conference with the House, and appointed conferees. On December 15, 1995, a conference meeting was held.

On March 14, 1996, the House appointed Mr. Markey as a conferee in lieu of Mr. Wyden. The conference report on H.R. 956 was filed in the House on March 14, 1996 (H. Rpt. 104-481). The Senate considered the conference report on March 15, March 18, March 19, March 20, and March 21, 1996. On March 21, 1996, the Senate agreed to the conference report by a roll call vote of 59 yeas to 40 nays.

On March 27, 1996, the House Committee on Rules met and granted a rule providing for the consideration of H.R. 956. The rule was filed in the House as H. Res. 394. The House passed H. Res. 394 on March 29, 1996 by a voice vote. The House agreed to the conference report on March 29, 1996, by a roll call vote of 259 yeas to 158 nays.

On April 30, 1996, H.R. 956 was presented to the President. The President vetoed H.R. 956 on May 2, 1996.

On May 6, 1996, the veto message on H.R. 956 was received and read in the House (H. Doc. 104-207). Further consideration of the veto message by the House was postponed until May 9, 1996. On May 9, 1996, the House considered H.R. 956 and failed to pass the bill, the objections of the President to the contrary notwithstanding, by a roll call vote of 258 yeas to 163 nays. The veto message and the accompanying bill were referred to the Committee on the Judiciary on May 9, 1996.

## RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

## (H.R. 1022)

To provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes.

*Summary*

H.R. 1022 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety, or the environment. Title I of the Risk Assessment and Cost-Benefit Act provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Title II requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating new major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and nonquantifiable. To the extent provisions of existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of H.R. 1022 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Title III requires independent peer review of certain major risk or economic assessments. Title IV clarifies the mechanism for judicial review. Title V requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, Title VI requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria

to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On February 23, 1995, Mr. Walker and Mr. Bliley introduced H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. This bill represented a compromise agreement developed by the Committee on Commerce and the Committee on Science with respect to their differing versions of Title III of H.R. 9.

H.R. 1022 was referred to the Committee on Science, and in addition to the Committee on Commerce. On February 27, 1995, the House passed H. Res. 96 providing for the consideration of H.R. 1022 by the House. The House considered H.R. 1022 on February 27 and February 28, 1995. On February 28, 1995, the House passed H.R. 1022, as amended, by a roll call vote of 286 yeas to 141 nays.

H.R. 1022, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 2, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

On March 3, 1995, the House considered H.R. 9, and struck all after the enacting clause and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 9, see the discussion of the Job Creation and Wage Enhancement Act of 1995 in this section.

JOB CREATION AND WAGE ENHANCEMENT ACT OF 1995

(Division D of H.R. 9—Risk Assessment and Cost-Benefit Act)

To create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials.

*Summary*

As passed by the House, Division D of H.R. 9 contains the text of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995, which passed the House on February 28, 1995. Division D of H.R. 9 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety or the environment. First, Division D provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Second, it requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and non-quantifiable. To the extent provisions of

existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of Division D of H.R. 9 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Third, it requires independent peer review of certain major risk or economic assessments. Fourth, it clarifies the mechanism for judicial review. Fifth, it requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, it requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On January 4, 1995, Representatives Archer, DeLay, Saxton, Smith of Washington, Tauzin, and 107 cosponsors introduced H.R. 9, the Job Creation and Wage Enhancement Act of 1995. H.R. 9 was referred, by title, to the following Committees: the Committee on Ways and Means; the Committee on Science; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on the Budget; the Committee on Rules; the Committee on the Judiciary; and the Committee on Small Business.

Title III of H.R. 9, Risk Assessment and Cost/Benefit Analysis for New Regulations, was referred to the Committee on Science, and in addition to the Committee on Commerce and the Committee on Government Reform and Oversight. Within the Committee on Commerce, Title III of H.R. 9 was referred to the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and the Environment, and in addition to the Subcommittee on Energy and Power, for a period ending not later than February 3, 1995.

The Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and Environment held joint hearings on H.R. 9 on February 1 and February 2, 1995. The hearing included twenty-five witnesses from a broad range of interests, including representatives of Federal agencies, State governments, local governments, school boards, scientific organizations, the environmental community, labor unions, and the regulated community. On February 3, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials; the Subcommittee on Health and Environment; and the Subcommittee on Energy and Power were discharged from further consideration of H.R. 9.

The Full Committee met in open markup session to consider H.R. 9 on February 7 and February 8, 1995. On February 8, 1995, the Full Committee ordered H.R. 9 reported to the House, as amended, by a roll call vote of 27 yeas to 16 nays. The Committee reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 1).

The Committee on Science also reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 2).

On March 3, 1995, the House considered H.R. 9, and struck all after Section 1 and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 1022, see the discussion of the Risk Assessment and Cost-Benefit Act of 1995 in this section.

H.R. 9, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 9, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

## ILLINOIS LAND CONSERVATION ACT OF 1995

(H.R. 714)

To establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

*Summary*

The purpose of H.R. 714 is to provide for the transfer of property formerly constituting the Joliet Army Ammunition Plant from the Department of the Army to the U.S. Department of Agriculture for the purpose of creating the Midewin National Tallgrass Prairie. The bill would also convey portions of the Ammunition Plant to (1) the Department of Veterans Affairs for the purpose of establishing a national cemetery, (2) to the State of Illinois for economic development, and (3) to Will County, Illinois, for purposes of creating a landfill.

H.R. 714 includes provisions amending the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with respect to the environmental cleanup of this property which fall within the jurisdiction of the Committee on Commerce.

*Legislative History*

On January 26, 1995, Mr. Weller introduced H.R. 714 in the House. The bill was referred to the Committee on Agriculture, and in addition to the Committee on National Security, the Committee on Commerce, and the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure reported H.R. 714, as amended, to the House on July 18, 1995 (H. Rpt. 104-191, Part I). The Committee on Agriculture reported H.R. 714 to the House on July 28, 1995 (H. Rpt. 104-191, Part II). On July 28, 1995, the referral of the bill to the Committee on Commerce and the Committee on National Security was extended for a period ending not later than August 4, 1995.

On July 31, 1995, by unanimous consent, the Committee on Commerce and the Committee on National Security were discharged from further consideration of H.R. 714.

The House considered and passed H.R. 714, as amended, by unanimous consent on July 31, 1995. H.R. 714, as passed by the House, was received in the Senate on August 1, 1995. H.R. 714 was read twice and placed on the Senate Calendar on August 2, 1995.

No further action was taken in the Senate on H.R. 714 in the 104th Congress.

Provisions of H.R. 714 were included in both the conference report on H.R. 1530 and the conference report on S. 1124. For the legislative history of H.R. 1530 and S. 1124, see the discussion of those bills in this section.

ARMORED CAR INDUSTRY RECIPROCITY IMPROVEMENT ACT OF 1996

(H.R. 3431)

To amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

*Summary*

The bill amends subsection 3 of the Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5902) to provide that if an armored car crew member employed by an armored car company: (1) has a weapons permit issued by an appropriate State agency in the State in which the crew member is primarily employed to carry a weapon or weapons while in the service of such company and the State meets the statute's minimum criteria, and (2) has met all other applicable requirements in the State in which the crew member is employed, then that crew member shall be entitled to lawfully carry any weapon authorized by the license and function as an armored car crew member in any State.

Further, it clarifies the minimum requirements for States' licenses to be granted reciprocity. When issuing an initial license to an armored car crew member, the State must determine to its satisfaction that (1) the crew member has received both classroom and range training in weapons safety and marksmanship during the current year, and (2) that receipt or possession of a weapon by the crew member would not violate Federal law, as determined on the basis of a criminal records background check conducted during the current year. When issuing renewal licenses, the State must determine to its satisfaction that the crew member (1) received continuing training in weapons safety and marksmanship from a qualified instructor for each weapon that the crew member is licensed to carry, and (2) the receipt or possession of a weapon by the crew member would not violate Federal law, as determined by the agency.

*Legislative History*

H.R. 3431 was introduced in the House by Mr. Whitfield on May 9, 1996. On May 22, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 3431. The Subcommittee heard testimony from Mr. James L. Dunbar, Chairman and CEO of Dunbar Armored, and Mr. Wayne Rigillio, Executive Secretary of the Louisiana State Board of Private Security Examiners, both of whom testified that the technical problems identified by the States have hindered the implementation of the original Act. They also testified that H.R. 3431 would correct those problems.

Immediately following the hearing on May 22, 1996, the Subcommittee met in open markup session to consider H.R. 3431 and

approved the bill for Full Committee consideration, without amendment, by a voice vote. On June 11, 1996, the Full Committee met in open markup session and ordered H.R. 3431 reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3431 to the House on June 17, 1996 (H. Rpt. 104-623).

On July 9, 1996, the House considered H.R. 3431 under Suspension of the Rules and passed the bill by a voice vote. H.R. 3431 was received in the Senate on July 10, 1996, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. No further action occurred in the Senate on H.R. 3431 in the 104th Congress.

## INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

(H.R. 2823)

To amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

*Summary*

H.R. 2823, the International Dolphin Conservation Program Act, implements the LaJolla/Declaration of Panama Agreement and provides for U.S. participation in the International Dolphin Conservation program established under that agreement by modifying U.S. law to end the existing tuna import embargo, and to permit tuna caught with purse seine nets in the eastern tropical Pacific Ocean to be labeled as "dolphin-safe," provided certain conditions are met.

Provisions of the legislation within the Committee on Commerce's jurisdiction amend the Dolphin Consumer Information Act of 1989, which was later included in the Magnuson Fishery Conservation and Management Act (P.L. 101-627). These provisions modify the definition of "dolphin-safe" for the purpose of labeling tuna products sold in the United States, and alter current regulations on the importation of tuna products. Further, the bill makes misuse of the "dolphin-safe" label an unfair and deceptive trade practice under Section 5 of the Federal Trade Commission Act.

*Legislative History*

On December 21, 1995, Representatives Gilchrest, Cunningham, Richardson, Boehlert, Bilbray, Goss, Young of Alaska, Packard, Castle, Lazio of New York, Gillmor, Kolbe, Shays, Hunter, Klug, Hansen, Pombo, Cardin, DeFazio, Coble, Ehlers, Upton, Davis, Morella, Torkildsen, Foley, and Blute introduced H.R. 2823 in the House. The bill was referred solely to the Committee on Resources. On May 8, 1996, the Committee on Resources ordered H.R. 2823 reported to the House, amended, by a voice vote.

On June 27, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Resources indicating that H.R. 2823 included several provisions within the jurisdiction of the Commerce Committee. The Chairman stated, however, that the Committee on Commerce had reviewed the action taken by the Resources Committee and in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 2823, provided such ac-

tion would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On June 27, 1996, the Chairman of the Committee on Resources sent a letter to the Chairman of the Committee on Commerce recognizing the Commerce Committee's jurisdictional concerns with respect to H.R. 2823 and supporting the Commerce Committee's prerogatives with respect to this bill.

The Committee on Resources reported H.R. 2823 to the House on July 10, 1996 (H. Rpt. 104-665, Part 1.) On that date, the bill was referred sequentially to the Committee on Ways and Means for a period ending not later than July 23, 1996. On July 23, 1996, the Committee on Ways and Means reported H.R. 2823 to the House (H. Rpt. 104-655, Part 2).

On July 31, 1996, the House considered and passed H.R. 2823 by a roll call vote of 316 yeas to 108 nays. H.R. 2823, as passed by the House, was received in the Senate on August 1, 1996, and referred to the Senate Committee on Commerce, Science, and Transportation. No further action was taken by the Senate on H.R. 2823 during the 104th Congress.

## MADE IN AMERICA TOLL FREE NUMBER

## (H.R. 447)

To establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made.

*Summary*

H.R. 447 requires the Secretary of Commerce to determine if interest exists in the manufacturing community for the establishment of a toll free number that would provide consumers with information on whether particular products with a retail value of $250 or greater are "made in America." If there is sufficient interest shown on the part of manufacturers not only to participate in such a program, but also to provide private sector funding, the Secretary is directed to enter into a contract for the establishment and operation of the program. The program is to be funded solely from fees collected from manufacturers wishing to have their products listed as "made in America".

In order to qualify as "made in America" for purposes of the registry, a product's domestic content must be consistent with the Federal Trade Commission's (FTC) standards for use of the "made in America" designation. Further, the bill explicitly provides that nothing in the Act would be construed to alter, amend, modify, or otherwise affect the opinions, decisions, and rules of the FTC, which currently has its own standard for the use of the term "made in America."

*Legislative History*

H.R. 447 was introduced in the House by Mr. Traficant on January 9, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 447 on July 11, 1996. Testimony was received from Representative Traficant. The Subcommittee met in open markup session to consider H.R. 447 on July 18,

1996, and approved the bill for Full Committee consideration, amended, by a voice vote.

The Full Committee met in open markup session to consider H.R. 447 on July 24, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 447 to the House on August 2, 1996 (H. Rpt. 104-753).

On September 4, 1996, the House considered H.R. 447 under Suspension of the Rules and passed the bill, by a roll call vote of 367 yeas to 9 nays with 1 Member voting present. H.R. 447, as passed by the House, was received in the Senate on September 5, 1996, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. No further action occurred on H.R. 447 in the Senate in the 104th Congress.

## LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1996

(H.R. 3391)

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

*Summary*

H.R. 3391 expands the purposes of the Leaking Underground Storage Tank Trust Fund and requires that the Environmental Protection Agency give at least 85 percent of its annual appropriation from the trust fund to States for administration of the program.

H.R. 3391 continues the practice of distributing funds from the Leaking Underground Storage Tank Trust Fund through State/Federal cooperative agreements. Under H.R. 3391, the expanded purposes of the trust fund allow States to use the trust funds to cover necessary administrative expenses directly related to the operation of State financial assurance programs under 9004(c)(1) of the Solid Waste Disposal Act. States may also use the funds to enforce Federal, State or local tank leak detection, prevention and other requirements through State and local programs. Finally, States may use the funds to take corrective actions and compensate parties for cleanups of releases through 9004(c)(1) programs in cases where the State determines that the financial resources of an owner or operator, excluding resources provided by programs under 9004(c)(1), are not adequate to pay for the corrective action without significantly impairing the ability of an owner or operator to continue in business.

*Legislative History*

On May 2, 1996, H.R. 3391 was introduced in the House by Representatives Schaefer, Stupak, Burr, Hefner, and Bereuter. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 3391 on July 26, 1996. The Sub-

committee heard testimony from the representatives of the Environmental Protection Agency, State governments, and industry. The Subcommittee met in open markup session to consider H.R. 3391 on July 31, 1996, and approved the bill for Full Committee consideration, amended, by a voice vote.

The Full Committee met in open markup session to consider H.R. 3391 on September 18, 1996, and ordered the bill reported to the House, amended, by a voice vote. The Committee on Commerce reported H.R. 3391 to the House on September 24, 1996 (H. Rpt. 104-822, Part 1). Referral of the bill to the Committee on Ways and Means was extended for a period ending not later than September 24, 1996. On September 24, 1996, the Committee on Ways and Means was discharged from further consideration of H.R. 3391.

The House considered H.R. 3391 under Suspension of the Rules on September 25, 1996, and passed the bill by a voice vote. H.R. 3391, as passed by the House, was received in the Senate on September 26, 1996. On September 27, 1996, H.R. 3391 was referred to the Senate Committee on Environment and Public Works. No further action was taken on H.R. 3391 in the Senate in the 104th Congress.

## INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE/FLOW CONTROL

(H. Res. 349)

To provide for the consideration of S. 534.

*Summary*

H. Res. 349 would consolidate a number of procedural requirements regarding S. 534 into a single House vote.

H. Res. 349 provides that upon adoption of the resolution by the House (1) that the Committee on Commerce shall be discharged from further consideration of S. 534, the Interstate Transportation of Municipal Solid Waste Act; (2) that the House shall be considered to have struck all after the enacting clause of S. 534 and inserted in lieu thereof an amendment in the nature of a substitute consisting of the text of Section 2 of this resolution; (3) that S. 534 shall be considered as having passed the House as so amended; and (4) that the House shall be considered to have insisted on its amendments and requested a conference with the Senate.

Section 2 of H. Res. 349 authorizes States and political subdivisions to exercise flow control authority (the authority to direct waste to a designated waste management facility) for waste generated within the borders of the State or political subdivision, where flow control was imposed through a law, ordinance, regulation, resolution, or other legally binding provision or legally binding official act of the State or political subdivision, and where the State or political subdivision presented eligible bonds for sale or executed a legally binding "put or pay" contract.

Under the resolution, flow control could be exercised for the longer of the life of any contract for disposal of waste at a designated facility; the life of a bond issued to pay for the facility; or the adjusted date of such a bond where qualified environmental retrofits had been issued.

The resolution does not include a substantive House position on the issue of interstate shipments of solid waste.

*Legislative History*

H. Res. 349 was introduced in the House by Mr. Bliley on January 30, 1996. The House considered H. Res. 349 under Suspension of the Rules on January 30 and January 31, 1996. On January 31, 1996, the House failed to suspend the rules and pass H. Res. 349 by a roll call vote of 150 yeas to 271 nays. No further action was taken on H. Res. 349 in the 104th Congress.

Legislation addressing the issues of interstate transportation of solid waste and flow control was approved for Full Committee consideration by the Subcommittee on Commerce, Trade, and Hazardous Materials as H.R. 2323. For the legislative history of H.R. 2323, see the discussion of that bill in this section.

FINANCIAL SERVICES COMPETITIVENESS ACT OF 1995

(H.R. 1062)

To enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial services providers.

*Summary*

The purpose of H.R. 1062 is to permit affiliations between full-service depository institutions and full-service securities companies.

First, it permits a firm to conduct both banking and full service securities activities under the legal framework of the Bank Holding Company Act, which H.R. 1062 renames the Financial Services Holding Company Act. Second, it requires that banking and securities activities be conducted in separate subsidiaries of the bank holding company or in separately identifiable divisions or departments of banks subject to "functional regulation" by the appropriate bank regulator and the Securities and Exchange Commission, respectively. Third, it imposes statutory "firewalls" and other restrictions in an effort to insulate the insured depository from risk associated with the securities affiliate and to prevent unfair competition. Finally, it imposes conflict of interest provisions relating to investment company activities.

The bill, as reported to the House by the Committee on Banking and Financial Services, does not include affiliations between banks and insurance companies and brokers.

*Legislative History*

On February 27, 1995, Mr. Leach introduced H.R. 1062 in the House. The bill was referred to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to both the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance.

On May 18, 1995, the Committee on Banking and Financial Services reported H.R. 1062 to the House (H. Rpt. 104-127, Part 1). Referral of the bill to the Committee on Commerce was extended for a period ending not later than June 16, 1995. On June 13, 1995,

the Committee on Banking and Financial Services filed a supplemental report on H.R. 1062 in the House (H. Rpt. 104-127, Part 2).

The Subcommittee on Commerce, Trade, and Hazardous Materials held a joint hearing with the Subcommittee on Telecommunications and Finance on H.R. 1062 on June 6 and June 8, 1995. Testimony on insurance related issues was received from Administration officials, insurance company associations, State financial officials, and other financial associations.

On June 13, 1995, the Subcommittee on Telecommunications and Finance met in open markup session to consider H.R. 1062 and approved H.R. 1062, as reported by the Committee on Banking and Financial Services, for Full Committee consideration, without recommendation, by a voice vote. On June 14, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials met in open markup session to consider H.R. 1062 and approved H.R. 1062, as reported by the Committee on Banking and Financial Services, for Full Committee consideration, without recommendation, by a voice vote.

On June 16, 1995, referral of H.R. 1062 to the Committee on Commerce was extended for a period ending not later than June 22, 1995. The Full Committee met in open markup session on June 16, 1995, and ordered H.R. 1062 reported to the House, as reported by the Committee on Banking and Financial Services, without recommendation, by a voice vote. On June 22, 1995, the Committee on Commerce reported H.R. 1062 to the House (H. Rpt. 104-127, Part 3).

No further action was taken in the House on H.R. 1062 in the 104th Congress.

## STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1995

(H.R. 2323)

To amend the Solid Waste Disposal Act to authorize State and local governments to prohibit or restrict the receipt of out-of-State municipal solid waste, to authorize local governments to control and direct the movement of certain solid waste, and for other purposes.

*Summary*

H.R. 2323 is a two title bill which amends the Solid Waste Disposal Act to (1) authorize State and local governments to prohibit or restrict the receipt of out-of-State municipal solid waste, and (2) authorize State and local governments to control and direct the movement of certain solid wastes generated within their jurisdiction.

*Title I—Interstate Waste*

Under Article I, Section 8, Clause 3 of the United States Constitution, the Federal government has the power "[t]o regulate Commerce . . . among the several States." By negative implication, this means that States are limited in their ability to regulate interstate commerce, even in the absence of Federal regulation. Congress can immunize States' exercise of commerce clause power from

court challenges by delegating its authority to the States. States are then deemed to be exercising the power granted under the Constitution to the Congress.

Title I of H.R. 2323 provides a ban on out-of-State shipments of municipal solid waste after the date of enactment. Despite the ban, there are three exceptions under which a facility could receive out-of-State waste. First, if the owner or operator of a facility entered into a "host community agreement" with the affected local government whereby the local government specifically agreed to accept out-of-State waste, the facility could receive out-of-State waste according to the terms of the agreement. Second, if the owner or operator of a facility received a State permit authorizing the facility to receive out-of-State waste, the facility could receive waste according to the terms of the permit. Finally, if the facility received documented shipments of out-of-State waste in 1993, the facility may continue to receive waste subject to certain limitations. Waste received under this last exception could be further limited by additional authority for States contained in the bill.

*Title II—Flow Control*

On May 16, 1994, the Supreme Court struck down an ordinance directing all waste generated within a town's borders to a local waste facility in *C&A Carbone, Inc. v. City of Clarkstown, N.Y.* The Court found that the ordinance violated the commerce clause by imposing an undue burden on interstate commerce. This ruling has affected local governments across the country which have invested in facilities with the expectation that their cost could be financed with revenues accumulated by directing local waste to those facilities.

Local governments have requested legislation to allow communities that were exercising flow control prior to *Carbone* to exercise it at least until outstanding bond amounts for publicly financed waste facilities can be repaid. The waste disposal industry generally opposes flow control, but several major waste companies have agreed that flow control should be grandfathered for a limited period to pay off outstanding bond debt.

Title II of H.R. 2323 authorizes flow control over municipal solid waste at facilities which had already exercised flow control for the repayment period for any outstanding bond issued prior to *Carbone,* for the life of any contract to exercise flow control prior to *Carbone,* or for the useful life of the facility. It also authorizes flow control in communities which had taken substantial steps toward exercising flow control, such as completing the permit process or beginning construction of a facility.

*Legislative History*

On March 23, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held two hearings. The first hearing dealt with Flow Control Measures for the Disposal of Solid Waste and focused on H.R. 1085, H.R. 1180, H.R. 225, and H.R. 342. The second hearing dealt with Interstate Transportation of Solid Waste and focused on H.R. 1180, H.R. 603, H.R. 1249, and H.R. 225. Testimony at both hearings was received from Members of Congress, State and local governments, and representatives of the waste industry.

On May 18, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials met in open markup session to consider a Committee Print entitled "State and Local Government Interstate Waste Control Act of 1995", and approved the introduction of a clean bill for Full Committee consideration, by a voice vote.

The clean bill was introduced in the House as H.R. 2323 on September 13, 1995, by Representatives Oxley, Gillmor, Greenwood, Clinger, Hamilton, Portman, Kaptur, and Johnson of Connecticut. No further action was taken on H.R. 2323 during the 104th Congress.

On March 23, 1995, the Senate Committee on Environment and Public Works reported S. 534, the Interstate Transportation of Municipal Solid Waste Act of 1995, to the Senate (S. Rpt. 104-52). The Senate considered S. 534 on May 10, May 11, May 12, and May 16, 1995; on May 16, 1995, the Senate passed S. 534, amended, by a roll call vote of 94 yeas to 6 nays. S. 534 was received in the House on May 18, 1995, and referred to the Committee on Commerce.

## REFORM OF SUPERFUND ACT OF 1995

## (H.R. 2500)

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

*Summary*

This legislation reauthorizes the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or Superfund) for a period of 5 years. The bill also makes a number of significant changes in the Superfund program for cleanups and restorations, which are intended to do the following: speed their pace and quality; reduce their transaction and cleanup costs; increase fairness in Superfund liability; provide for program delegation to the States; expand public participation in the cleanup process; and protect human health and the environment.

*Title I—Remedy Selection and Community Participation*

Title I of H.R. 2500 establishes protocols for the conduct of risk assessments. It requires the President to review the health effect values for 25 carcinogens; makes a number of changes to the manner in which the President selects remedial alternatives and final remedies at Superfund sites; provides for the establishment of Community Assistance Groups; addresses the information to be maintained by the Agency for Toxic Substances and Disease Registry (ATSDR); provides for the distribution of information on hazardous substances to health professionals and medical centers; changes provisions related to cooperative agreements between the ATSDR and the States; increases dollar limits and time limits for removal actions; authorizes the President to acquire hazardous substance easements; amends provisions regarding judicial review of remedies; and provides transition rules and establishes the effective date of the title as the date of enactment.

*Title II—Liability*

This title clarifies liability for, provides exemptions from, and provides for reimbursements for costs relating to Superfund liability for various parties; sets forth procedures for allocating liability among parties; places limitations on contribution actions; modifies settlement authorities and the President's authority to provide final covenants; and sets forth confidentiality requirements.

*Title III—Brownfields and Voluntary Cleanups*

The title makes findings with respect to State voluntary response programs and provides for technical and other assistance to States for voluntary response programs; clarifies liability for lenders, fiduciaries, bona fide prospective purchasers and innocent landowners; and addresses Federal enforcement at sites cleaned up under EPA-approved State programs.

*Title IV—Natural Resource Damages*

This title makes various changes to liability for, determination of, and litigation of natural resource damages.

*Title V—State Role*

This title authorizes the EPA to delegate various Superfund authorities to the States for actions at facilities listed on the National Priorities List (NPL); requires States to follow Federal remedy selection criteria; alters the provisions for State cost share; and places a limit on the number of sites which may be added to the NPL.

*Title VI—Federal Facilities*

This title amends provisions with respect to the role of States at Federal facilities; authorizes the President to designate a facility for the use of innovative technologies; adds a factor to the criteria for listing Federal facilities on the NPL; and requires that an annual study be conducted to determine priorities among environmental priorities at NPL-listed Federal facilities.

*Title VII—Miscellaneous*

This title makes various definitional changes; amends response claim procedures; requires the EPA to establish a small business Superfund assistance office within the small business ombudsman office; requires the EPA to give higher priority to remedial actions for which State and local governments have made demonstrations of public benefit; requires that EPA report annually to governors on the progress of the program; and amends the authority of the President to dispose of real property acquired under subsection 104(j).

*Title IX—Remediation Waste Management*

This title adds a new subtitle to the Solid Waste Disposal Act pertaining to remediation waste management.

*Title X—Funding*

Title X reauthorizes the dedicated taxes, the Superfund Trust Fund, and appropriations from general revenues for Fiscal Years

1996 through 2000. It requires that funds collected from the dedicated Superfund taxes be used only for cleanup and remediation expenses.

*Legislative History*

The Subcommittee on Commerce, Trade, and Hazardous Materials held seven oversight hearings on the Reauthorization of the Superfund Program addressing major concerns with the program.

The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing focusing on a general overview of the Superfund Program and reforms needed on March 16, 1995. Testimony was received from the Administrator of the Environmental Protection Agency, as well as representatives of the U.S. Conference of Mayors, State environmental agencies, community groups, businesses, and the environmental community. The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on Remedy Selection on May 23, 1995, receiving testimony from representatives from the Agency for Toxic Substances and Disease Registry, the Association of State and Territorial Waste Management Officials, community groups, businesses, environmental groups, and professional organizations. The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on the State Role, Voluntary Cleanups, and Brownfields Redevelopment, receiving testimony from State and local government officials and representatives of industry, a community group, and the Administration on June 15, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on Natural Resource Damages, receiving testimony from representatives of the Administration, States, and industry, on June 20, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on Financing and Liability Issues, receiving testimony from representatives of State and local governments, industry, and the environmental community, on June 22, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held a second oversight hearing on Financing and Liability Issues, receiving testimony from representatives of the Administration, on July 18, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on the Resource Conservation and Recovery Act (RCRA) and its relationship to Superfund, receiving testimony from representatives of the Administration, States, industry and environmentalists, on July 20, 1995. Finally, on September 16, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a field hearing in Bristol, Pennsylvania, on Federal Barriers to Environmental Cleanups. Witnesses included the Environmental Protection Agency Regional Administrator, representatives of the Governor of the Commonwealth of Pennsylvania's Office, representatives of local government, owners of contaminated sites, and representatives of various local private entities.

On October 18, 1995, Representatives Oxley, Bliley, Shuster, Boehlert, Tauzin, Upton, Gillmor, Roemer, Burr, Horn, Parker, Wamp, Duncan, Young of Alaska, Quinn, Petri, Bachus, and Crapo introduced H.R. 2500, the Reform of Superfund Act of 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held

a hearing on H.R. 2500, receiving testimony from Members of Congress and representatives of States, industry, and the environmental community on October 18, 1995. The Subcommittee on Commerce, Trade, and Hazardous Materials held a second hearing on H.R. 2500, receiving testimony from Members of Congress, the Administration, States, local governments, industry, small businesses, and environmentalists on October 26, 1995.

The Subcommittee met in open markup session to consider H.R. 2500 on November 1, November 2, November 8, and November 9, 1995. On November 9, 1995, H.R. 2500 was approved for Full Committee consideration, as amended, by a roll call vote of 15 yeas to 11 nays.

### INSURANCE STATE'S AND CONSUMER'S RIGHTS CLARIFICATION AND FAIR COMPETITION ACT OF 1995

(H.R. 1317)

To ensure that sellers and underwriters of insurance are qualified and subject to State consumer protection requirements.

*Summary*

The purpose of H.R. 1317 is to clarify the appropriate role of the States and the Federal government in regulating insurance. The bill provides that any sale, underwriting, or solicitation of insurance in a State must be in accordance with the laws of that State. This reinforces the McCarran-Ferguson Act, granting the States full authority to license and regulate the business of insurance for all providers, brokers, and agents. H.R. 1317 applies to the insurance activities of insurance companies and agents, fraternal organizations, non-admitted insurance companies, banks, and foreign companies and brokers that do business in the United States. It is designed to protect the rights of the States against regulatory encroachment by Federal agencies, particularly the Office of the Comptroller of the Currency with respect to national bank insurance powers. It is also designed to strengthen the hand of State regulators in guarding against poorly regulated foreign and non-admitted insurance companies.

*Legislative History*

On March 24, 1995, Representatives Bliley, Dingell, Solomon, Mineta, Paxon, Pomeroy, Burton of Indiana, Saxton, Hayes, Kingston, Tanner, Upton, Davis, Gillmor, Schaefer, Bilbray, Kennelly, Meehan, Bass, and Lewis of California introduced H.R. 1317.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 1317 on May 22, 1995. Testimony was received from insurance agent associations, banking associations, land title agent associations, insurance company associations, and insurance regulators.

No further action was taken on H.R. 1317 in the 104th Congress.

### DEPARTMENT OF COMMERCE DISMANTLING ACT

(H.R. 1756, S. 929)

To abolish the Department of Commerce.

*Summary*

H.R. 1756 replaces the Department of Commerce (DOC) with the Commerce Programs Resolution Agency (CPRA), which is given 3 years to wind up and terminate the functions and obligations of the DOC before the CPRA itself is abolished. The bill terminates outright the Economic Development Administration, the Minority Business Development Administration, the United States Travel and Tourism Administration, the National Telecommunications and Information Administration, the Advanced Technology Program, and the Manufacturing Extension Programs. Annual expenditures for any function not terminated by H.R. 1756 are limited to 75 percent of their FY 1994 expenditures.

H.R. 1756 renames the United States and Foreign Commercial Service as the U.S. Foreign Commercial Service. It transfers the authority to collect and evaluate information on international investment and trade services to the Secretary of the Treasury. The Patent and Trademark Office is transferred to the Department of Justice, with its activities required to be funded solely by fees. The DOC's Technology Administration and the Office of Technology Policy are terminated. The National Institute of Standards and Technology is transferred to the National Science Foundation, with its laboratories to be sold by the CPRA. Export control functions of the DOC are transferred primarily to the Secretary of State, with portions transferred to the Department of the Treasury and the U.S. Customs Service. The Office of Foreign Availability and the Office of the Under Secretary of Commerce for Export Administration are abolished. Specified DOC national security functions are transferred to the Secretary of Defense and the Secretary of the Treasury.

H.R. 1756 eliminates the authorities for the National Technical Information Service, requiring the sale of its assets. The Bureau of the Census is transferred to the Department of the Treasury, while the Bureau of Economic Analysis is transferred to the Federal Reserve System with instructions to privatize as many of its functions as possible. All grants related to the Communications Act of 1934 are terminated, and the functions of the National Telecommunications and Information Administration are transferred to the Federal Communications Commission.

H.R. 1756 also terminates funding for various fisheries and fishing vessel programs and research projects. It eliminates the National Oceanic and Atmospheric Administration (NOAA) Corps and the Office of Oceanic and Atmospheric Research, conveying specified functions of both to the National Weather Service. The assets of the National Environmental Satellite, Data, and Information Service Data Centers are to be sold, with their responsibilities transferred to the National Weather Service. The National Weather Service is transferred to the Department of the Interior. Various functions of the National Marine Fisheries Services are reassigned to the Secretary of Transportation, the U.S. Fish and Wildlife Service, and the Secretary of Agriculture. The geodesy functions and marine and estuarine sanctuary functions of the National Ocean Service are transferred to the United States Geological Survey and the Secretary of the Interior, respectively. NOAA's environmental research laboratories are required to be sold.

H.R. 1756 amends the North American Free Trade Agreement (NAFTA) Implementation Act to terminate certain staff of the NAFTA Secretariat established within the DOC, and to eliminate the U.S. contribution to the budget of the Border Environment Cooperation Commission. It further transfers many of the non-terminated trade related functions of the DOC to the United States Trade Representative (USTR), including the U.S. and Foreign Commercial Service, and many of the functions of the International Trade Administration (ITA). The Committee for the Implementation of Textile Agreements is terminated, with its responsibilities divided between the USTR and the International Trade Commission (ITC). The Foreign Trade Zones Act is amended to replace the Secretary of Commerce with the USTR, while making the Secretary of the Treasury the new Chairman and Executive Officer of the Foreign Trade Zones Board. The functions of the Secretary of Commerce under the International Investment and Trade in Services Survey Act, certain provisions of the Export Administration Act, and certain provisions of the Export Trading Company Act are transferred to the Secretary of the Treasury, while the Secretary of Commerce's functions under the Fair Trade in Auto Parts Act are transferred to the ITC. The Trade and Development Agency is abolished. The U.S. Harmonized Tariff Schedule is amended to repeal special tariff treatment for watches imported from the U.S. insular possessions. Finally, the President is directed to submit to the Congress a comprehensive plan to consolidate Federal export promotion activities.

*Legislative History*

On June 7, 1995, Mr. Chrysler and 51 cosponsors introduced H.R. 1756 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, the Committee on Banking and Financial Services, the Committee on International Relations, the Committee on National Security, the Committee on Agriculture, the Committee on Ways and Means, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on Science, and the Committee on Resources.

Within the Committee on Commerce, the bill was referred to both the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance.

The Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance held a joint hearing on H.R. 1756 on July 24, 1995. Testimony was received from Members of Congress, representatives of the Administration, State officials, and representatives of various industries.

The Committee on Commerce took no further action on H.R. 1756. However, on September 14 and 19, 1995, the Full Committee met in open markup session to consider a Committee Print entitled "Department of Commerce Abolition". On September 19, 1995, the Full Committee approved the Committee Print, as amended, for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995, by a roll call vote of 25 yeas to 19 nays. For the legislative history of that bill, see the discussion of the Balanced Budget Act of 1995 (H.R. 2491) in this section.

The Committee on Ways and Means reported H.R. 1756 to the House on September 24, 1995 (H. Rpt. 104-260, Part 1.) No further action was taken on H.R. 1756 in the House in 104th Congress.

S. 929, an identical bill to H.R. 1756, was introduced in the Senate on June 15, 1995, by Senators Abraham, Dole, Faircloth, Nickles, Gramm, and Brown, and referred to the Senate Committee on Governmental Affairs. On October 20, 1995, the Senate Committee on Governmental Affairs reported S. 929 to the Senate (S. Rpt. 104-164). No further action was taken on S. 929 in the 104th Congress.

## FAN FREEDOM AND COMMUNITY PROTECTION ACT OF 1995

(H.R. 2740)

To protect sports fans and communities throughout the Nation, and for other purposes.

*Summary*

The purpose of H.R. 2740 is to provide leverage to local communities to ensure that they are able to maintain or regain a professional sports franchise in the event of a proposed team relocation.

H.R. 2740 provides that when a professional sports team relocates more than 60 miles away from its present community, the league may be required to grant such community an expansion team. The community losing the team has up to 3 years to present a qualified investor to the league subject to a franchise fee of no more than 85 percent of the cost of the most recently awarded expansion team. The league then has up to 1 year to award the community a new replacement franchise. If a relocating team had resided within a community for over 10 years, the community retains exclusive use of the team's trademark and name. Notice of an impending move must be provided at least 180 days before commencement of a new season.

The bill also alters the leagues' antitrust exemptions to allow them to enforce their own relocation procedures, according to specific criteria related to financial factors, fan loyalty, good/bad faith bargaining and management efforts, and the existence of other teams in the existing and relocation regions.

The Federal Trade Commission is given authority to enforce the Act, imposing penalties of three times the purchase price of a team and a loss of broadcasting antitrust exemptions to the sports league if an expansion team is not granted as required by this Act.

*Legislative History*

H.R. 2740 was introduced in the House on December 7, 1995, by Representatives Hoke, Blute, Cremeans, Cubin, Flanagan, Gutknecht, Hastings of Florida, Hobson, Jones, Kelly, King, LaTourette, Lipinski, Meehan, Meek of Florida, Molinari, Ney, Oxley, Peterson of Minnesota, Portman, Pryce, Quinn, Scarborough, and Traficant. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

The Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 2740 on May 16, 1996. Testimony was received from Members of Congress, commissioners of national

sports leagues, local elected officials, economists, and members of sports fan associations.

On June 27, 1996, the Committee on the Judiciary reported H.R. 2740 to the House (H. Rpt. 104-656, Part 1). Referral of the bill to the Committee on Commerce was extended for a period ending not later than September 6, 1996. On September 6, 1996, referral of the bill to the Committee on Commerce was extended for a period ending not later than September 13, 1996. On September 12, 1996, referral of the bill to the Committee on Commerce was extended for a period ending not later than September 20, 1996. On September 20, 1996, referral of the bill to the Committee on Commerce was extended for a period ending not later than September 27, 1996. On September 27, 1996, referral of the bill to the Committee on Commerce was extended for a period ending not later than October 2, 1996. On October 2, 1996, referral of the bill to the Committee on Commerce was extended for a period ending not later than October 4, 1996.

No further action was taken on H.R. 2740 in the 104th Congress.

## NATIONAL MOTOR VEHICLE SAFETY, ANTI-THEFT, TITLE REFORM, AND CONSUMER PROTECTION ACT

(H.R. 2900, S. 2030)

To establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

*Summary*

H.R. 2900 essentially codifies most of the recommendations of the Motor Vehicle Titling, Registration, and Salvage Advisory Committee, which was established pursuant to provisions of the Anti-Car Theft Act of 1992 (P.L. 102-519).

The legislation establishes national uniform definitions for the terms "salvage vehicle," "salvage title," "rebuilt salvage vehicle," "rebuilt salvage vehicle title," "nonrepairable vehicle," "nonrepairable vehicle certificate", and "flood vehicle" and preempts State laws to the extent that they are inconsistent. The bill also requires States, in licensing a passenger motor vehicle whose ownership has been transferred, to disclose on the certificate of title whenever records indicate that such vehicle was previously issued a title that contained a word or symbol signifying that it was "salvage," "unrebuildable," "parts only," "scrap," "junk," "nonrepairable," "reconstructed," "rebuilt," or that it has been damaged by flood.

Further, it requires the Secretary of Transportation to establish national uniform standards for titles and title brands, including standards for anti-theft and safety inspections of rebuilt vehicles and permits the use of Federal highway safety funds made available to the States to be used to defray the costs of implementing the requirements of the Act. H.R. 2900 establishes civil and criminal penalties for violations of the Act. Finally, it establishes standards for the export of vehicles from the United States.

*Legislative History*

H.R. 2900 was introduced in the House on January 25, 1996, by Representatives White, Schaefer, Brown of Ohio, and Richardson. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary and the Committee on Ways and Means.

On September 12, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 2900. Witnesses included representatives from the States, automobile salvage dealers, automobile recyclers, independent service operators, automobile dealers, and the insurance industry. No further action was taken on H.R. 2900 in the 104th Congress.

## OVERSIGHT OR INVESTIGATIVE ACTIVITIES

### TRADE IMPLICATIONS OF FOREIGN OWNERSHIP RESTRICTIONS ON TELECOMMUNICATIONS COMPANIES

On March 3, 1995, the Subcommittee on Commerce, Trade and Hazardous Materials held a hearing to explore the trade implications of foreign ownership restrictions on telecommunications companies and whether legislative action was needed to address this issue. Testimony was received from a Member of Congress, the Chairman of the Federal Communications Commission, the Director of the National Telecommunications and Information Administration, and representatives of the affected industry.

### REAUTHORIZATION OF THE SUPERFUND PROGRAM: GENERAL OVERVIEW

On March 16, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held the first of a series of hearings on the reauthorization of the Superfund program. Witnesses included the Administrator of the Environmental Protection Agency, as well as representatives of the U.S. Conference of Mayors, State environmental agencies, community groups, businesses, and the environmental community.

### REDUCING EXPLOSIVE CHARACTERISTICS OF AMMONIUM NITRATE FERTILIZER

On May 22, 1995, the Subcommittee on Commerce, Trade and Hazardous Materials, in response to the bombing of the Alfred R. Murrah Federal Building in Oklahoma City, held a hearing to explore the feasibility of reducing the explosive characteristics of ammonium nitrate fertilizer and whether legislative action was appropriate to address this issue. Witnesses included the inventor of a purported method to desensitize the explosive qualities of ammonium nitrate fertilizer and other experts from the Bureau of Alcohol Tobacco and Firearms (ATF), and the Office of Technology Assistance. As a result of this hearing, the ATF is conducting a study of the feasibility of desensitizing fertilizer grade ammonium nitrate.

REAUTHORIZATION OF THE SUPERFUND PROGRAM: REMEDY SELECTION

On May 23, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on remedy selection under the Superfund program. Witnesses included representatives from the Agency for Toxic Substances and Disease Registry, the Association of State and Territorial Waste Management Officials, community groups, businesses, the environmental community, and professional organizations.

REAUTHORIZATION OF THE SUPERFUND PROGRAM: STATE ROLE, VOLUNTARY CLEANUPS, AND BROWNFIELDS REDEVELOPMENT

On June 15, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the State role and voluntary cleanups under Superfund. The hearing addressed the problems surrounding redevelopment of abandoned industrial property, or brownfields. Witnesses included representatives from the Environmental Protection Agency, four State agencies, a State attorney general office, the Office of Technology Assessment, community groups, think tanks, and the regulated community.

REAUTHORIZATION OF THE SUPERFUND PROGRAM: NATURAL RESOURCE DAMAGES

On June 20, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on Natural Resource Damages (NRD) provisions under Superfund. Witnesses included the Assistant Secretary of the National Oceanic and Atmospheric Administration and representatives of State government, members of the scientific and economic communities, and representatives of businesses. The purpose of this hearing was to examine issues related to NRD provisions in preparation for subsequent legislative action.

REAUTHORIZATION OF THE SUPERFUND PROGRAM: FINANCING AND LIABILITY ISSUES

On June 22, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the liability issues under the Superfund program. Witnesses included representatives of State governments, small and large businesses, private insurance companies, and the environmental community. The purpose of this hearing was to examine liability issues from the State government perspective and to gain an understanding of entities outside of the Federal government.

On July 18, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a second hearing on liability issues under the Superfund program highlighting the Administration's position. Witnesses at this hearing were the Assistant Attorney General of the Environment and Natural Resources Division at the U.S. Department of Justice and the Associate Administrator for Enforcement at the U.S. Environmental Protection Agency. The purpose of this hearing was to acquire information from Federal agencies about the Superfund liability structure.

REAUTHORIZATION OF THE SUPERFUND PROGRAM: RCRA CORRECTIVE ACTION CLEANUP PROGRAM AND ITS RELATIONSHIP TO SUPERFUND

On July 20, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the Corrective Action Site Remediation Program under Subtitle C of the Resource Conservation and Recovery Act. The Corrective Action program is the remediation program for facilities with active hazardous waste management units. The hearing also served as a legislative hearing for H.R. 2036, the Land Disposal Flexibility Act, which addresses land disposal restrictions under Subtitle C and monitoring requirements for certain municipal landfills, and H.R. 1696. For the legislative history of H.R. 2036, see the discussion on the Land Disposal Program Flexibility Act in this section. Witnesses included representatives from the Environmental Protection Agency, State environmental agencies, the National Association of Counties, businesses, and the environmental community.

REAUTHORIZATION OF THE CONSUMER PRODUCT SAFETY COMMISSION

On March 29, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the Reauthorization of the Consumer Product Safety Commission (CPSC). Witnesses included current and former CPSC Commissioners. The purpose of the hearing was to review the performance of the Commission in carrying out its mandate and to determine whether restructuring was necessary. The hearing also focused on which CPSC programs are the most cost-effective in improving consumer safety, areas on which the CPSC should focus in the future, and how the Commission's resources should be allocated.

INTERNATIONAL TELECOMMUNICATIONS TRADE ISSUES

On May 9, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the results of, and future for, international trade negotiations on basic telecommunications services. Witnesses included a Deputy U.S. Trade Representative and the Chairman of the Federal Communications Commission, as well as representatives of telecommunications and computer companies. The purpose of this hearing was to evaluate the Administration's international telecommunications policy, analyze the trade offers of other nations in the international telecommunications negotiations, and examine what further efforts are necessary to achieve a successful international telecommunications agreement.

FEDERAL BARRIERS TO ENVIRONMENTAL CLEANUPS

On September 16, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a field hearing on Federal Barriers to Environmental Cleanups. The hearing, held in the Auditorium of the Bristol Township Building, 2501 Bath Road, Bristol, Pennsylvania, focused on Federal legal barriers to cleaning up contaminated sites. Witnesses included the Environmental Protection Agency Regional Administrator, representatives of the Governor of the Commonwealth of Pennsylvania's Office, representatives of

local government, owners of contaminated sites, and representatives of various local private entities.

RESOURCE CONSERVATION AND RECOVERY ACT EXEMPTION FOR WOOD PRESERVING SOLUTIONS

On April 26, 1996, the Chairman of the Committee on Commerce and the Chairman of the Subcommittee on Commerce, Trade, and Hazardous Materials sent a letter to the Environmental Protection Agency (EPA) requesting information on the status of the examination of removing certain wood preserving solutions from the definition of Solid Waste under the Resource Conservation and Recovery Act (RCRA). The Chairmen requested information regarding why a wood preserving solution, which is reused rather than immediately disposed after its initial use, is listed as a solid waste rather than as a recycled solution.

On August 30, 1996, Mr. Michael Shapiro, Director of the EPA Office of Solid Waste, sent a letter to the Chairmen informing them that language modifying 40 CFR 261.4(a)(9)(iii) for solutions used in the wood preserving process is scheduled to be finished by the Spring of 1997.

HEARINGS HELD

*Risk Assessment and Cost/Benefit Analysis for New Regulations.*—Joint Hearing with the Subcommittee on Health and Environment on Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. Hearing held on February 1, 1995. PRINTED, Serial Number 104-3.

*Risk Assessment and Cost/Benefit Analysis for New Regulations.*—Joint Hearing with the Subcommittee on Health and Environment on Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. Hearing held on February 2, 1995. PRINTED, Serial Number 104-3.

*Common Sense Product Liability Reform Act.*—Hearing on H.R. 917, the Common Sense Product Liability Reform Act. Hearing held on February 21, 1995. PRINTED, Serial Number 104-7.

*Trade Implications of Foreign Ownership Restrictions on Telecommunications Companies.*—Oversight Hearing on the Trade Implications of Foreign Ownership Restrictions on Telecommunications Companies. Hearing held on March 3, 1995. PRINTED, Serial Number 104-9.

*Superfund Reauthorization.*—Oversight Hearing on a General Overview of the Superfund Program. Hearing held on March 16, 1995. PRINTED, Serial Number 104-12.

*Flow Control Measures and Interstate Transportation of Solid Waste (Morning Session—Flow Control Measures).*—Hearing on H.R. 1085, H.R. 1180, H.R. 225, and H.R. 342. Hearing held on March 23, 1995. PRINTED, Serial Number 104-14.

*Flow Control Measures and Interstate Transportation of Solid Waste (Afternoon Session—Interstate transportation of Solid Waste).*—Hearing on H.R. 1180, H.R. 603, H.R. 1249, and H.R. 225.

Hearing held on March 23, 1995. PRINTED, Serial Number 104-14.

*Insurance State's and Consumer's Rights Clarification And Fair Competition Act.*—Hearing on H.R. 1317, the Insurance State's and Consumer's Rights Clarification and Fair Competition Act of 1995. Hearing held on May 22, 1995. PRINTED, Serial Number 104-36.

*Reducing Explosive Characteristics of Ammonium Nitrate Fertilizer.*—Oversight Hearing to explore the feasibility of reducing the explosive characteristics of ammonium nitrate fertilizer. Hearing held on May 22, 1995. PRINTED, Serial Number 104-20.

*Superfund Reauthorization (Part 2).*—Oversight Hearing on Remedy Selection. Hearing held on May 23, 1995. PRINTED, Serial Number 104-30.

*The Financial Services Competitiveness Act of 1995.*—Joint Hearing with the Subcommittee on Telecommunications and Finance on H.R. 1062, the Financial Services Competitiveness Act of 1995. Hearing held on June 6, 1995. PRINTED, Serial Number 104-33.

*The Financial Services Competitiveness Act of 1995.*—Joint Hearing with the Subcommittee on Telecommunications and Finance on H.R. 1062, the Financial Services Competitiveness Act of 1995. Hearing held on June 8, 1995. PRINTED, Serial Number 104-33.

*Superfund Reauthorization (Part 2).*—Oversight Hearing on State Role, Voluntary Cleanups, and Brownfields Redevelopment. Hearing held on June 15, 1995. PRINTED, Serial Number 104-30.

*Superfund Reauthorization (Part 2).*—Oversight Hearing on Natural Resource Damages. Hearing held on June 20, 1995. PRINTED, Serial Number 104-30.

*Superfund Reauthorization.*—Oversight Hearing on Financing and Liability Issues. Hearing held on June 22, 1995. PRINTED, Serial Number 104-54.

*Superfund Reauthorization.*—Oversight Hearing on Financing and Liability Issues. Hearing held on July 18, 1995. PRINTED, Serial Number 104-54.

*RCRA Corrective Action Cleanup Program.*—Oversight Hearing on RCRA Corrective Action Cleanup Program and its Relationship to Superfund. Hearing also focused on H.R. 2036, the Land Disposal Program Flexibility Act, and H.R. 1696, a bill to authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the ground water monitoring requirements contained in landfill regulations promulgated by the Agency. Hearing held on July 20, 1995. PRINTED, Serial Number 104-39.

*Department of Commerce Dismantling Act of 1995.*—Joint Hearing with the Subcommittee on Telecommunications and Finance on H.R. 1756, the Department of Commerce Dismantling Act of 1995. Hearing held on July 24, 1995. PRINTED, Serial Number 104-48.

*Reform of Superfund Act of 1995.*—Hearing on H.R. 2500, the Reform of Superfund Act of 1995. Hearing held on October 18, 1995. PRINTED, Serial Number 104-59.

*Reform of Superfund Act of 1995.*—Hearing on H.R. 2500, the Reform of Superfund Act of 1995. Hearing held on October 26, 1995. PRINTED, Serial Number 104-59.

*Travel and Tourism Partnership Act.*—Joint Hearing with the Committee on International Relations Subcommittee on Inter-

national Economic Policy and Trade on H.R. 2579, the Travel and Tourism Partnership Act. Hearing held on January 24, 1996. PRINTED, Serial Number 104-64.

*Rechargeable Battery Act.*—Hearing on H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act, and S. 619, the Mercury-Containing and Rechargeable Battery Management Act. Hearing held on March 21, 1996. PRINTED, Serial Number 104-74.

*Reauthorization of the Consumer Product Safety Commission.*—Oversight Hearing on the Reauthorization of the Consumer Product Safety Commission. Hearing held on March 29, 1996. PRINTED, Serial Number 104-87.

*Future of International Telecommunications Trade Issues.*—Oversight Hearing on International Telecommunications Trade Issues. Hearing held on May 9, 1996. PRINTED, Serial Number 104-89.

*Fan Freedom and Community Protection Act of 1995.*—Hearing on H.R. 2740, the Fan Freedom and Community Protection Act of 1995. Hearing held on May 16, 1996. PRINTED, Serial Number 104-104.

*Armored Car Industry Reciprocity Improvement Act of 1996.*—Hearing on H.R. 3431, the Armored Car Industry Reciprocity Improvement Act of 1996. Hearing held on May 22, 1996. PRINTED, Serial Number 104-81.

*The Professional Boxing Safety Act.*—Joint Hearing with the Committee on Economic and Educational Opportunities Subcommittee on Workforce Protections on H.R. 1186, the Professional Boxing Safety Act, and S. 187, the Professional Boxing Safety Act of 1995. Hearing held on June 11, 1996. PRINTED, Serial Number 104-100.

*Federal Trade Commission Reauthorization Act of 1996 and Made in America Toll-Free Number.*—Hearing on H.R. 447, a bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made. Hearing held on July 11, 1996. PRINTED, Serial Number 104-86.

*Federal Trade Commission Reauthorization Act of 1996 and Made in America Toll-Free Number.*—Hearing on H.R. 3553, the Federal Trade Commission Reauthorization Act of 1996. Hearing held on July 11, 1996. PRINTED, Serial Number 104-86.

*Amendments to the Leaking Underground Storage Tank Program.*—Hearing on H.R. 3391, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act. Hearing held on July 26, 1996. PRINTED, Serial Number 104-101.

*The National Motor Vehicle Safety, Anti-Theft, Title Reform, and Consumer Protection Act of 1996.*—Hearing on H.R. 2900, the National Motor Vehicle Safety, Anti-Theft, Title Reform, and Consumer Protection Act of 1996. Hearing held on September 12, 1996. PRINTED, Serial Number 104-112.

*Federal Barriers to Environmental Cleanups.*—Field Hearing in the Auditorium of the Bristol Township Building, 2501 Bath Road, Bristol, Pennsylvania, on Federal legal barriers to cleaning up con-

taminated sites. Hearing held on September 16, 1996. PRINTED, Serial Number 104-109.

## SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio 15-12)

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FRANK PALLONE, Jr., New Jersey
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(Ex Officio)

*Jurisdiction:* Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; foods and drugs; drug abuse; Clean Air Act and environmental protection in general, including the Safe Drinking Water Act.

## LEGISLATIVE ACTIVITIES

### EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RECESSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995

### Public Law 104-6 (H.R. 889)

Making emergency supplemental appropriations and recessions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

*Summary*

Chapter VII of Title II of Public Law 104-6 contains an Environmental Protection Agency administrative provision. This provision provides that the 1990 Amendments to the Clean Air Act superseded prior requirements regarding attainment demonstrations for certain nonattainment areas within the State of California. The provision further provides that any Federal Implementation Plan promulgated by the Environmental Protection Agency under court order for the same nonattainment areas in California be rescinded and have no further force or effect.

*Legislative History*

H.R. 889 was introduced in the House on February 10, 1995, by Mr. Livingston and reported to the House on the same day by the

Committee on Appropriations (H. Rpt. 104-29). The House considered H.R. 889 on February 22, 1995, and passed the bill, amended, by a roll call vote of 262 yeas to 165 nays.

H.R. 889 was received in the Senate on February 23, 1995, read twice, and referred to the Senate Committee on Appropriations. On March 2, 1995, the Senate Committee on Appropriations reported H.R. 889, amended, to the Senate (S. Rpt. 104-12). The Senate considered H.R. 889 on March 7, March 8, March 9, March 10, March 13, March 14, March 15, and March 16, 1995. On March 16, 1995, the Senate passed H.R. 889, amended, by a roll call vote of 97 yeas to 3 nays.

The Senate insisted upon its amendments to H.R. 889, requested a conference with the House, and appointed conferees on March 16, 1995. On March 28, 1995, the House disagreed to the Senate amendments to H.R. 889, agreed to a conference with the Senate, and appointed conferees. The conferees met on March 29, April 4, and April 5, 1995.

On February 9, 1995, the Subcommittee on Oversight and Investigations held an oversight hearing on the Implementation and Enforcement of the Clean Air Act Amendments of 1990. At that hearing, testimony was received from California Governor Pete Wilson regarding difficulties which the State of California had experienced with respect to the promulgation of a Federal Implementation Plan (FIP) for the State under the 1977 Clean Air Act Amendments. The Committee on Commerce worked with the House and Senate conferees on H.R. 889 to develop legislative language in the conference report which would resolve the difficulties identified by Governor Wilson in an expeditious fashion.

The conference report on H.R. 889 was filed in the House on April 5, 1995 (H. Rpt. 104-101). The House agreed to the conference report by a roll call vote of 343 yeas to 80 nays on April 6, 1995. On April 6, 1995, the Senate, without objection, proceeded to the immediate consideration of the conference report on H.R. 889, and, by unanimous consent, agreed to the conference report.

H.R. 889 was presented to the President on April 7, 1995. On April 10, 1995, the President signed H.R. 889 into law (P.L. 104-6).

## MEDICARE SELECT EXTENSION

### Public Law 104-18 (H.R. 483, H.R. 1391)

To amend the Omnibus Budget Reconciliation Act of 1990 to permit Medicare select policies to be offered in all States.

*Summary*

The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) established a demonstration program under which insurers could market a "Medigap" policy, known as Medicare Select. The demonstration program was limited to 15 States and expired on December 31, 1994. The demonstration program was extended to June 30, 1995, in the Social Security Act Amendments of 1994 (P.L. 103-432).

H.R. 483 extends the authority for this demonstration program for 3 years until June 30, 1998, and permits Medicare Select poli-

cies to be marketed and sold in all 50 States. The bill also requires the Secretary of the Department of Health and Human Services to conduct a study comparing the health care costs, quality of care, and access to services under Medicare Select policies with other Medigap policies. The Secretary is required to establish Medicare Select on a permanent basis unless the study finds that (1) Medicare Select has not resulted in savings to Medicare Select enrollees, (2) it has led to significant expenditures in the Medicare program, or (3) it has significantly diminished access to and quality of care. Finally, the bill requires the General Accounting Office to conduct a study and report to Congress by June 30, 1996, on the extent to which individuals who are continuously covered under Medigap policies are subject to medical underwriting if they switch plans and to identify options, if necessary, for modifying the Medigap market to address this issue.

*Legislative History*

On January 11, 1995, Mrs. Johnson of Connecticut and 38 cosponsors introduced H.R. 483 in the House. H.R. 483 was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

On February 15, 1995, the Subcommittee on Health and Environment held a hearing on Medicare Select and Issues Related to Medicare Managed Care. Witnesses at the hearing included Members of Congress and representatives of the Health Care Financing Administration, health associations, State insurance commissions, and various health plans. The Subcommittee on Health and Environment met in open markup session to consider H.R. 483 on March 22, 1995, and approved the bill, as amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 483 on April 3, 1995, and ordered the bill reported to the House, as amended, by a voice vote. The Committee on Commerce reported H.R. 483 to the House on April 6, 1995 (H. Rpt. 104-79, Part 2).

The Committee on Ways and Means met on March 8, 1995, to mark up H.R. 483, and ordered the bill, as amended, reported to the House by a roll call vote of 31 yeas to 2 nays. The Committee on Ways and Means reported H.R. 483 to the House on March 15, 1995 (H. Rpt. 104-79, Part 1).

On April 4, 1995, Mrs. Johnson of Connecticut, Mr. Bliley, and Mr. Archer introduced H.R. 1391 in the House. This bill represented a compromise agreement developed by the Committee on Commerce and the Committee on Ways and Means with respect to their differing versions of H.R. 483.

On April 6, 1995, the House passed H. Res. 130, the rule providing for consideration of H.R. 483. H. Res. 130 made in order an amendment in the nature of a substitute consisting of the text of H.R. 1391 as original text for the purposes of amendment on the House Floor. H.R. 483, as amended, passed the House on April 6, 1995, by a roll call vote of 408 yeas to 14 nays.

H.R. 483, as passed by the House, was received in the Senate and read for the first time on April 7, 1995. H.R. 483 was read for a second time on April 24, 1995, and placed on the Senate Calendar. On May 17, 1995, the Senate, by unanimous consent, pro-

ceeded to the immediate consideration of H.R. 483 and passed the bill, as amended.

On May 25, 1995, the House disagreed to the Senate amendment to H.R. 483, requested a conference with the Senate, and appointed conferees. A motion to instruct the House conferees was defeated by a roll call vote of 197 yeas to 247 nays. The Senate insisted on its amendment, agreed to a conference with the House, and appointed conferees on June 5, 1995. The House and Senate conferees met to consider H.R. 483 on June 22, 1995, and agreed to file a conference report. The conference report was filed in the House on June 22, 1995 (H. Rpt. 104-157).

On June 26, 1995, the Senate, by unanimous consent, proceeded to the immediate consideration of the conference report on H.R. 483 and agreed to the conference report. The House agreed to the conference report by a roll call vote of 350 yeas to 68 nays on June 30, 1995.

On June 30, 1995, H.R. 483 was presented to the President. The President signed H.R. 483 into law on July 7, 1995 (P.L. 104-18).

## EDIBLE OIL REGULATORY REFORM ACT

(Public Law 104-55, H.R. 436)

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.

*Summary*

The purpose of H.R. 436 is to correct an unintended and burdensome problem created by certain Federal regulations issued to implement several environmental laws that contain definitions of the term "oil." While the legislative history of each statute indicates that it was the intent of Congress that the term "oil" refer to petroleum and petroleum-related products, Federal regulators have taken the view that the term must be interpreted to include all types of oil, including vegetable oils and animal fats.

H.R. 436 directs Federal agencies with regulatory responsibilities to differentiate between animal fats or vegetable oils and other types of oils and greases, including petroleum, in issuing regulations dealing with the transportation, storage, discharge, release, emission, or disposal of fats, oils or greases. H.R. 436 specifically provides that the requirements of this legislation do not apply to the Food and Drug Administration and the Food Safety and Inspection Service. Finally, the bill clarifies the financial responsibility requirements for tank vessels carrying vegetable oil or animal fat as cargo.

*Legislative History*

H.R. 436 was introduced in the House on January 9, 1995 by Mr. Ewing and Ms. Danner. The bill was referred to the Committee on Commerce, and in addition to the Committee on Agriculture. Within the Committee on Commerce, H.R. 436 was referred to the Subcommittee on Health and Environment.

On September 27, 1995, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 436 by unanimous consent. The Full Committee then considered H.R. 436 and ordered the bill reported to the House, as amended, by a voice vote. The Committee on Commerce reported H.R. 436 to the House on September 27, 1995 (H. Rpt. 104-262, Part 2).

The Committee on Agriculture also reported H.R. 436 to the House on September 27, 1995 (H. Rpt. 104-262, Part 1).

On October 10, 1995, the House considered H.R. 436 on the Corrections Calendar and passed the bill, as amended, by a voice vote. H.R. 436, as passed by the House, was received in the Senate on October 11, 1995. On November 1, 1995, the bill was read twice and referred to the Senate Committee on Environment and Public Works. On November 2, 1995, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 436 and passed the bill, as amended. On November 7, 1995, the House agreed to the Senate amendment by a voice vote and cleared the measure for the President.

On November 8, 1995, H.R. 436 was presented to the President. The President signed H.R. 436 into law on November 20, 1995 (P.L. 104-55).

## NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

### Public Law 104-59 (S. 440, H.R. 2274)

### (Clean Air Act Related Provisions)

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

*Summary*

Public Law 104-59 includes several provisions dealing with Clean Air Act related issues which fall within the jurisdiction of the Committee on Commerce. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the conference negotiations which lead to the agreements contained in S. 440. In each instance, the Committee on Commerce supported the inclusion of the legislative language in S. 440.

Public Law 104-59 clarifies that conformity requirements should apply to nonattainment and maintenance areas only. Prior to this legislation, there was some question as to what areas were required to demonstrate conformity.

The Act also provides States with more flexibility in implementing their enhanced vehicle inspection and maintenance programs as required by the Clean Air Act. Prior to the passage of this legislation, the Subcommittee on Oversight and Investigations held several days of hearings on the Environmental Protection Agency's (EPA) implementation of the Clean Air Act as it applied to enhanced vehicle inspection and maintenance. The Subcommittee generally found that the EPA was not providing the flexibility envisioned in the 1990 Clean Air Act Amendments. The Subcommittee also found that there remained serious questions about the factual basis for the Agency's discount by 50 percent of decentralized pro-

grams, as well as questions in general about the effectiveness of the EPA's model program Test-Only IM240.

During the conference meetings on this bill, the conferees agreed that the EPA's automatic discount of test-and-repair or decentralized programs was not supported by the evidence. Consequently, Public Law 104-59 contains provisions to require EPA to stop applying such an automatic discount. In addition, because of concern about the effectiveness of inspection and maintenance programs, the Act gives States 18 months to demonstrate that their State programs equal or exceed the EPA's recommended program.

*Legislative History*

On February 16, 1995, S. 440 was introduced in the Senate by Senators Warner, Chafee, Baucus, Moynihan, Bond, Faircloth, Kempthorne, Lautenberg, Lieberman, Inhofe, Reid, Smith, Lugar, Boxer, Graham, and Pell. The bill was referred to the Senate Committee on Environment and Public Works. On May 22, 1995, the Senate Committee on Environment and Public Works reported S. 440 to the Senate (S. Rpt. 104-86). The Senate considered S. 440 on June 16, June 19, June 20, June 21, and June 22, 1995; on June 22, 1995, the Senate passed S. 440, as amended, by a voice vote. S. 440 was received in the House on June 26, 1995, and held at the Speaker's desk.

H.R. 2274, a companion bill to S. 440, was introduced in the House on September 7, 1995, by Representatives Shuster, Petri, Mineta, and Rahall. The bill was referred to the Committee on Transportation and Infrastructure. On September 14, 1995, the Committee on Transportation and Infrastructure reported H.R. 2274 to the House (H. Rpt. 104-246).

On September 20, 1995, the House passed H.R. 2274, amended, by a roll call vote of 419 yeas to 7 nays. By unanimous consent, the House then took S. 440 from the Speaker's desk and passed that bill amended with the text of H.R. 2274, as passed by the House. H.R. 2274 was then laid on the table. The House insisted on its amendments to S. 440, requested a conference with the Senate, and appointed conferees.

On September 22, 1995, the Senate disagreed to the House amendments, agreed to a conference with the House, and appointed conferees. On September 29, 1995, the House appointed additional conferees. Members of the Committee on Commerce were appointed as conferees for the consideration of Sections 105 and 141 of the Senate bill and Section 320 of the House Amendment. On October 11, 1995, the House appointed Mr. Borski as a conferee in lieu of Mr. Mineta.

The conference report on S. 440 was filed in the House on November 15, 1995 (H. Rpt. 104-345). On November 17, 1995, the Senate agreed to the conference report by a roll call of 80 yeas to 16 nays. On November 18, 1995, the House, by unanimous consent, considered and agreed to the conference report.

On November 24, 1995, S. 440 was presented to President. The President signed S. 440 into law on November 28, 1995 (P.L. 104-59).

## EMPLOYER TRIP REDUCTION PROGRAM AMENDMENTS

### Public Law 104-70 (H.R. 325)

To amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

*Summary*

H.R. 325 provides that the Employer Trip Reduction Program (ETRP), established in 1990 by Section 182(d)(1)(B) of the Clean Air Act, is a voluntary measure to be implemented only at the discretion of the individual States. The legislation amends Section 182(d)(1)(B) in its entirety and adds additional statutory language to allow States to remove ETRP requirements from their State Implementation Plan (SIP), or to withdraw their ETRP SIP submission for consideration for approval by the Environmental Protection Agency (EPA), without submitting a SIP revision. The bill requires States that remove or withdraw ETRP requirements to have undertaken, or to undertake, alternative methods to achieve equivalent emission reductions.

*Legislative History*

On January 4, 1995, Mr. Manzullo and 18 cosponsors introduced H.R. 325 in the House.

On March 16, 1995, the Subcommittee on Oversight and Investigations held an oversight hearing on the Employer Trip Reduction Program. Testimony was received from EPA, the State of Illinois Department of Transportation, transportation planning experts, and employers subject to the statutory requirements of Section 182(d)(1)(B).

The Subcommittee on Health and Environment met in open markup session to consider H.R. 325 on November 16, 1995, and approved the bill for Full Committee consideration, without amendment, by a voice vote. On November 29, 1995, the Full Committee met in open markup session and ordered H.R. 325 reported to the House, amended, by a voice vote. The Committee reported H.R. 325 to the House on December 6, 1995 (H. Rpt. 104-387).

On December 12, 1995, the House considered H.R. 325 on the Corrections Calendar and passed the bill by a voice vote. On December 12, 1995, the bill was received in the Senate. The Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 325 on December 13, 1995, and passed the bill, without amendment, by a voice vote, clearing the measure for the President.

H.R. 325 was presented to the President on December 14, 1995. The President signed H.R. 325 into law on December 23, 1995 (P.L. 104-70).

## FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

(Public Law 104-73, H.R. 1747)

To amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

*Summary*

H.R. 1747 extends the Federal Tort Claims Act (FTCA) coverage program for health centers. The bill also makes clarifications in the scope of coverage provided under the law. H.R. 1747 clarifies that malpractice coverage under the FTCA applies to all employees, officers, and governing board members of a health center, as well as to contractors of health centers who are licensed or certified health care practitioners. The bill codifies provisions of the final regulations which clarify the application of FTCA malpractice coverage to health services provided in certain situations when health care clinicians are treating patients who are not registered with the health center. For example, health center clinicians participating in a community-wide immunization fair will have FTCA coverage when providing immunizations. Finally, the bill provides for coverage under FTCA of part-time health center clinicians who practice in the primary care areas of family practice, general internal medicine, general pediatrics, and obstetrics and gynecology.

H.R. 1747 also makes several procedural modifications to current law to improve the efficiency of the operation of the program. The bill establishes procedures for health centers to apply to the Department of Health and Human Services and receive approval for malpractice coverage under FTCA.

Finally, the bill recognizes the movement of the health care market toward managed care and the increased participation by health centers as providers in managed care plans. H.R. 1747 applies FTCA coverage to health services provided by centers to enrollees of managed care plans who have chosen the health center as their provider. The bill also establishes that FTCA coverage is to be accepted by managed care plans as meeting the requirements for malpractice coverage for health centers who contract to be providers for managed care plans.

*Legislative History*

On June 6, 1995, Mrs. Johnson of Connecticut, Mr. Wyden, and Mr. Frank of Massachusetts introduced H.R. 1747 in the House.

On September 27, 1995, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 1747 by unanimous consent. The Full Committee then considered H.R. 1747 and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 1747 to the House on December 12, 1995 (H. Rpt. 104-398).

On December 12, 1995, the House considered H.R. 1747 under Suspension of the Rules and passed the bill, as amended, by a voice vote. On December 13, 1995, H.R. 1747 was received in the Senate, read twice, and placed on the Senate Calendar. The Senate, by unanimous consent, proceeded to the immediate consideration of

H.R. 1747 on December 14, 1995, and passed the bill without amendment.

H.R. 1747 was presented to the President on December 16, 1995. The President signed H.R. 1747 into law on December 26, 1995 (P.L. 104-73).

## DAYTON AREA HEALTH PLAN MEDICAID WAIVER EXTENSION

(Public Law 104-87, H.R. 1878)

To extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under the Dayton Area Health Plan.

*Summary*

The Dayton Area Health Plan is a Medicaid managed care demonstration project in Dayton Ohio. The Congressional Budget Office has estimated that the Dayton Area Health Plan saves taxpayers approximately $1 million per year.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272) contained a requirement that health maintenance organizations (HMOs) serving public recipients be able to attract at least 25 percent of their customers from commercial enrollees to be eligible for Medicaid reimbursement. Two waivers from the enrollment mix requirement were granted for the Dayton Area Health Plan in previous Congresses (P.L. 102-276 and P.L. 103-66) and the current waiver expires on December 31, 1995. Without an extension of the waiver, the Dayton Area Health Plan would be forced to stop providing service to over 25,000 low-income beneficiaries.

H.R. 1878 extends the waiver of the 75/25 percent enrollment mix requirement for 4 years until December 31, 1999.

*Legislative History*

On June 16, 1995, Mr. Hobson and Mr. Hall of Ohio introduced H.R. 1878 in the House.

On December 18, 1995, the House considered H.R. 1878 under Suspension of the Rules, thereby discharging the Committee on Commerce from further consideration of H.R. 1878. The bill passed the House by a voice vote, amended. H.R. 1878 was received in the Senate on December 18, 1995, read twice, and referred to the Senate Committee on Finance. On December 22, 1995, by unanimous consent, the Senate Committee on Finance was discharged from further consideration of H.R. 1878. The Senate then proceeded, by unanimous consent, to the immediate consideration of H.R. 1878 and passed the bill without amendment.

H.R. 1878 was presented to the President on December 29, 1995. The President signed H.R. 1878 into law on December 29, 1995 (P.L. 104-87).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Public Law 104-106 (S. 1124, H.R. 1530)

(Health Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal government, and for other purposes.

*Summary*

Public Law 104-106 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with health related issues. Although Members of the Committee on Commerce were not appointed as conferees on S. 1124, they were appointed as conferees for these provisions of H.R. 1530, the predecessor legislation to S. 1124 which was vetoed by the President, and participated in the negotiations which led to the agreements ultimately contained in Public Law 104-106. In each instance, the Committee on Commerce supported the inclusion of the legislative language from H.R. 1530 in the law.

These provisions include: (1) Section 601, which provides a pay raise of 2.4 percent for members of the uniformed services, including members of the Public Health Service Commissioned Corps, and (2) Section 713, which contains a Sense of Congress resolution regarding access to health care under the Department of Defense's TRICARE program for covered beneficiaries who are eligible for Medicare.

*Legislative History*

On August 7, 1995, the Senate Committee on Armed Services reported S. 1124 to the Senate as an original measure (No Written Report).

On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. Following the passage of H.R. 1530, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1124 and passed the bill amended with the text of Division A of S. 1026, as amended by the Senate. S. 1124 was received in the House on September 14, 1995, and held at the Speaker's desk. For the legislative history of H.R. 1530, see the discussion of that bill in this section.

On December 30, 1995, the President vetoed H.R. 1530. By a roll call vote of 240 yeas to 156 nays, the House failed to override the veto on January 3, 1996. On January 5, 1996, by unanimous consent, the House took S. 1124 from the Speaker's desk, and, by a voice vote, passed the bill amended with the text of H.R. 1530 as reported by the committee of conference on December 13, 1995, as contained in H. Rpt. 104-406. The House insisted on its amendment, requested a conference with the Senate, and appointed con-

ferees. Although Members of the Committee on Commerce had been appointed as conferees on H.R. 1530, the predecessor legislation to S. 1124, they were not appointed conferees on S. 1124 because the issues within the jurisdiction of the Committee on Commerce were resolved during the conference on H.R. 1530 and were not the subject of the President's veto of that bill.

On January 5, 1996, the Senate disagreed to the House amendment to S. 1124, agreed to a conference with the House, and appointed conferees. Conference meetings were held on January 18 and January 19, 1996. On January 19, 1996, the conferees agreed to file a conference report. The conference report was filed in the House on January 22, 1996 (H. Rpt. 104-450). The provisions of the conference report dealing with those issues under the jurisdiction of the Committee on Commerce were identical to those contained in the conference report on H.R. 1530.

The House agreed to the conference report on January 24, 1996, by a roll call vote of 287 yeas to 129 nays. The Senate agreed to the conference report on January 26, 1996, by a roll call vote of 56 yeas to 34 nays. On January 30, 1996, S. 1124 was presented to the President. On February 10, 1996, the President signed S. 1124 into law (P.L. 104-106).

## CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

### Public Law 104-121 (H.R. 3136, H.R. 994)

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

*Summary*

Public Law 104-121, the Contract with America Advancement Act of 1996, is a three-title bill which includes: (1) provisions concerning regulatory reform and Congressional review of rulemaking activities by Federal departments and agencies, including those under the jurisdiction of the Committee on Commerce; and (2) provisions relating to health issues.

Title I of H.R. 3136, the Senior Citizens Right to Work Act of 1996, amends Title II of the Social Security Act (SSA) to allow persons of retirement age to increase their earnings under the earnings limits set by the SSA.

Title I includes a provision under the Commerce Committee's jurisdiction which directs the Commissioner of Social Security to: (1) ensure that funds made available for continuing disability reviews are used, to the greatest extent practicable, to maximize the combined savings in the Old-Age, Survivors, and Disability Insurance (OASDI), Supplemental Security Income (SSI), Medicare, and Medicaid programs; and (2) provide annually, at the conclusion of each of the 7 years from Fiscal Year 1996 through Fiscal Year 2002, a report to Congress on continuing disability reviews that includes the results of such reviews in terms of cessations of benefits or determinations of continuing eligibility, by program.

Title II of H.R. 3136, the Small Business Regulatory Enforcement Fairness Act of 1996, provides regulatory reform for small

businesses, as defined in Title II, and Congressional review of Federal agency rules. The major provisions of Title II are as follows:

(1) requires agencies to provide increased compliance assistance to small businesses;
(2) requires the Small Business Administration (SBA) to designate a "Small Business and Agriculture Regulatory Enforcement Ombudsman" to provide a confidential channel for audited small businesses to comment on such procedures;
(3) requires the SBA to establish regional "Small Business Regulatory Fairness Boards" to report to the Ombudsman;
(4) allows administrative and judicial courts to award fees and costs to small businesses if the judgment demanded by an agency is substantially in excess of that awarded;
(5) amends the Regulatory Flexibility Act to require an analysis by the promulgating agency of the effects of a rule on small businesses; and
(6) lays out a framework for Congressional review of newly promulgated agency rules.

This legislation will require the Subcommittee on Health and Environment to review recently promulgated rules by the Federal agencies and departments within its jurisdiction, including the Environmental Protection Agency, the Food and Drug Administration, the Department of Health and Human Services, and the Health Care Financing Administration.

Title III of H.R. 3136, Public Debt Limit, raises the public debt limit to $5.5 trillion.

*Legislative History*

On February 21, 1995, H.R. 994, the Regulatory Sunset and Review Act of 1995, was introduced in the House by Representatives Chapman, Mica, DeLay, Deal of Georgia, and Geren of Texas. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary.

On October 19, 1995, the Committee on Government Reform and Oversight reported H.R. 994 to the House (H. Rpt. 104-284, Part 1). The referral of the bill to the Committee on the Judiciary was extended for a period ending not later than November 3, 1995. On October 26, 1995, H.R. 994, as reported by the Committee on Government Reform and Oversight, was referred to the Committee on Commerce, sequentially, for a period ending not later than November 3, 1995.

On October 25, 1995, the Committee on Commerce scheduled a Full Committee hearing on H.R. 994. On October 30, 1995, the Full Committee hearing was canceled because of scheduling conflicts. In lieu of the Full Committee hearing, the Committee conducted a briefing on November 3, 1995, at which representatives of the Office of Management and Budget, the Consumer Product Safety Commission, the Nuclear Regulatory Commission, the Department of Energy, the Department of Transportation, the Federal Trade Commission, the Environmental Protection Agency, the Securities Exchange Commission, and the Food and Drug Administration presented the views of their respective departments and agencies on the impact of, and concerns with, the provisions of H.R. 994, as re-

ported to the House by the Committee on Government Reform and Oversight.

On November 3, 1995, the referral of H.R. 994 to the Committee on the Judiciary was extended for a period ending not later than November 7, 1995. On November 3, 1995, the Committee on Commerce was discharged from further consideration of H.R. 994. On November 7, 1995, the Committee on the Judiciary reported H.R. 994 to the House (H. Rpt. 104-284, Part 2). On February 29, 1996, the Rules Committee met and granted a rule providing for the consideration of H.R. 994. The rule was filed in the House as H. Res. 368 on February 29, 1996. H. Res. 368 made in order, as an original bill for purposes of amendment, an Amendment in the Nature of a Substitute to be offered by Mr. Hyde and printed in the *Congressional Record* (Printed in the *Congressional Record* on February 29, 1996.) On April 17, 1996, H. Res. 368 was laid on the table by unanimous consent.

On March 21, 1996, Mr. Archer introduced H.R. 3136 in the House. H.R. 3136 contained language similar to H.R. 994. As introduced in the House, Title II, Subtitles A through D, of H.R. 3136 aimed to achieve the same goal as Sections 102 and 103 of H.R. 994, as scheduled for consideration by the House under the provisions of H. Res. 368. The goal of Sections 102 and 103, "Rules Commented on by SBA Chief Counsel for Advocacy" and "Sense of Congress Regarding SBA Chief Counsel for Advocacy," respectively, was to achieve a streamlined and effective regulatory process for small businesses. Additionally, Subtitle E of Title II of H.R. 3136, "Congressional Review," contains only one section, Section 807, that differs from Title III of H.R. 994, as scheduled for consideration by the House.

H.R. 3136 was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, the Committee on Rules, the Committee on the Judiciary, the Committee on Small Business, and the Committee on Government Reform and Oversight.

On March 27, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3136. The rule was filed in the House on March 27, 1996, as H. Res. 391 (H. Rpt. 104-500). On March 28, 1996, the House passed H. Res. 391 by a roll call vote of 232 yeas to 177 nays. H. Res. 391 provided, among other things, that amendments printed in the Committee report on H. Res. 391 shall be considered as adopted.

The House considered H.R. 3136 on March 28, 1996, and passed the bill, by a roll call vote of 328 yeas to 91 nays. On March 28, 1996, H.R. 3136 was received in the Senate. The Senate proceeded to the immediate consideration of H.R. 3136 on March 28, 1996, and passed the bill without amendment.

On March 29, 1996, H.R. 3136 was presented to the President. The President signed H.R. 3136 into law on March 29, 1996 (P.L. 104-121).

## SACCHARIN NOTICE REQUIREMENT REPEAL

### Public Law 104-124 (H.R 1787)

To amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

*Summary*

H.R. 1787 repeals the store warning notice requirement established as part of the Saccharin Study and Labeling Act of 1977. This Act prevented the Food and Drug Administration (FDA) from banning the use of the artificial sweetener saccharin in food products and required retail stores that sold such products not for immediate consumption to post a warning notice pursuant to regulations to be promulgated by FDA. The store warning notice is in addition to the requirement that the label of such products contain a saccharin warning.

The store notice warning requirement was originally included in the law as a stop-gap measure to provide a warning prior to the time that warning labels would appear on foods containing saccharin. Because warning labels now appear on all products, the store notice warning requirement is no longer necessary. Eliminating the store warning notice requirement will reduce a burden on retail establishments, including "mom and pop" grocery stores, neighborhood supermarkets, pharmacies, and convenience stores.

H.R. 1787 does not change the requirement for the warning label on such food products.

*Legislative History*

H.R. 1787 was introduced in the House by Mr. Bilbray, Mr. Burr, and Mr. Cox on June 8, 1995.

On November 16, 1995, the Subcommittee on Health and Environment met in open markup session to consider H.R. 1787 and approved the bill for Full Committee consideration, without amendment, by a voice vote. On November 29, 1995, the Full Committee met in open markup session and ordered H.R. 1787 reported to the House, without amendment, by a voice vote. The Committee reported H.R. 1787 to the House on December 6, 1995.

On December 12, 1995, the House considered H.R. 1787 on the Corrections Calendar and passed the bill by a voice vote. H.R. 1787 was received in the Senate on December 12, 1995. On February 27, 1996, H.R. 1787 was referred to the Senate Committee on Labor and Human Resources.

On March 19, 1996, by unanimous consent, the Senate Committee on Labor and Human Resources was discharged from further consideration of H.R. 1787. The Senate then proceeded, by unanimous consent, to the immediate consideration of H.R. 1787 and passed the bill without amendment.

H.R. 1787 was presented to the President on March 21, 1996. The President signed H.R. 1878 into law on April 1, 1996 (P.L. 104-87).

## FEDERAL TEA TASTERS REPEAL ACT OF 1996

### Public Law 104-128 (H.R. 2969, S. 1518)

To eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

*Summary*

The Tea Importation Act of 1897 (1897 Act) established a program that governed the importation of tea by creating a Board of Tea Experts to set quality standards for tea offered for import into the United States and requiring that every lot of tea offered for import be inspected. The 1897 Act has been implemented by various Federal departments and agencies over time, including the Department of Treasury, the Department of Agriculture, the Department of Customs, and, most recently, the Food and Drug Administration (FDA).

The 1897 Act required that the Board of Tea Experts (Board) annually establish standards for purity, quality, and fitness for consumption of tea. Then, the Board would recommend these quality standards to the Secretary of Health and Human Services (HHS), who would approve the Board's recommendation and transmit it to the FDA. To comply with the 1897 Act, the FDA was required to inspect every lot of tea offered for import to determine whether it met the Board's quality standards. If the tea met the quality standards, the FDA would certify it for import. Without FDA certification, the tea could not be imported.

To defray the cost of the program, the 1897 Act imposed a fee per hundredweight of tea, to be assessed upon its certification for import and collected by the Customs Service. The fee was deposited into the general fund. Although no funds have been appropriated to operate the Board since Fiscal Year 1993, the Board has its operations with its expenses covered by the tea industry. The FDA remained obligated to administer the 1897 Act, and continued to rely on the recommendation of the Board regarding quality standards.

Because FDA regulates the safety of all food, including tea, under the Federal Food, Drug, and Cosmetic Act (FFDCA), the 1897 Act was redundant with respect to assuring the safety of tea. Furthermore, only tea used for brewing was regulated by the 1897 Act. Both coffee and instant tea always have been regulated under the FFDCA. Repeal of the 1897 Act by Public Law 104-128 ensures that imported tea is now regulated under the FFDCA in the same manner as other imported foods such as instant tea and coffee.

*Legislative History*

On January 5, 1996, Senators Brown and Reid introduced S. 1518, the Federal Tea Tasters Repeal Act, in the Senate and the bill was read for the first time. On January 10, 1996, S. 1518 was read for the second time and placed on the Senate Calendar. On February 1, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1518 and passed the bill.

S. 1518 was received in the House on February 9, 1996, and held at the Speaker's desk. On March 21, 1996, the House passed, by a voice vote, H. Res. 387, a resolution returning S. 1518 to the Sen-

ate because S. 1518 violated the first clause of the seventh section of the first article of the Constitution, which requires that all measures raising revenue originate in the House. Because repeal of the 1897 Act required termination of a user fee collected by the Customs Service, S. 1518 could not originate in the Senate. No further action was taken on S. 1518 in the 104th Congress.

On February 23, 1996, H.R. 2969, the Federal Tea Tasters Repeal Act, was introduced in the House by Mr. Klug and Mr. Kennedy of Massachusetts. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce.

On February 28, 1996, the Committee on Ways and Means marked up H.R. 2969 and, by a voice vote, ordered the bill reported to the House. On February 29, 1996, the Committee on Ways and Means reported H.R. 2969 to the House (H. Rpt. 104-467, Part 1). Referral of the bill to the Committee on Commerce was extended for a period ending not later than March 11, 1996.

On March 6, 1996, by unanimous consent, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 2969. The Full Committee then considered H.R. 2969 in open markup session and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on Commerce reported H.R. 2969 to the House on March 8, 1996 (H. Rpt. 104-467, Part 2).

On March 21, 1996, H.R. 2969 was considered in the House by unanimous consent and passed without amendment. On March 25, 1996, the measure was received in the Senate and read twice. The Senate, by unanimous consent, then proceeded to the immediate consideration of H.R. 2969 and passed the bill without amendment.

On March 28, 1996, H.R. 2969 was presented to the President. The President signed H.R. 2969 into law on April 9, 1996 (P.L. 104-128).

## OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

### Public Law 104-134 (H.R. 3019)

### (Health Related Provisions)

Making appropriations for Fiscal Year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

*Summary*

H.R. 3019 served as an omnibus continuing appropriations measure for those Federal agencies which did not have individual Fiscal Year 1996 appropriations measures enacted into law. Affected agencies and entities included the Departments of Justice, Commerce, State, Labor, Health and Human Services, Education, Veterans Affairs, and Housing and Urban Development. Independent agencies such as the Environmental Protection Agency, as well as the District of Columbia, were also funded by the bill. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3019.

Specifically, Public Law 104-134 contains provisions which: (1) amend the Public Health Service Act (42 U.S.C. 238 et sec.) to pro-

hibit governmental discrimination against health professionals who refuse to be trained in the performance of elective abortions or against institutions that refuse to provide such training; (2) permit expenses from the public health and social services emergency fund to be used for clinical trials to apply imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer; (3) permit the Director of the Office of AIDS Research, National Institutes of Health, in consultation with the Director of the National Institutes of Health, to transfer among Institutes up to 3 percent from the total amounts identified in each Institute for AIDS research; (4) provide for the reimbursement of certain claims where (a) payment has been made by a State to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital under the Medicaid Program, and (b) the Secretary of Health and Human Services (the Secretary) has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment; (5) provide for an optional, alternative Medicaid payment method; (6) grant a waiver of the Medicaid enrollment composition rules for the D.C. Chartered Health Plan, Inc. of the District of Columbia for all contract periods from October 1, 1991, through the current contract period of October 1, 1999; and (7) require the compilation of data concerning female genital mutilation.

Finally, Public Law 104-134 amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to revise requirements regarding the import and export of any component of a drug, biological product (including a partially processed biological product), device, food additive, color additive, or dietary supplement. The Committee on Commerce worked with the House and Senate conferees to develop the legislative language included in the law.

These provisions allow pharmaceuticals and medical devices not approved in the United States to be exported to any country in the world if the products comply with the laws of the importing country and have valid marketing authorization in one of the following countries: Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, or a country in the European Union or in the European Economic Area. The Secretary of Health and Human Services is authorized to add countries to the list based on specified criteria. The provisions also set forth criteria upon which the Secretary may allow direct export of a drug not first approved in one of the listed countries.

The provisions also provide for the export of an unapproved drug or device used for tropical diseases or other diseases not of significant prevalence in the United States; establish an option to request a certification from the Secretary that an export is legal and authorizes a fee of up to $175 for this certification; and authorizes the import of certain articles for use in the manufacture of drugs, biological products, devices, foods, food supplements, food additives, and color additives, if the finished products are then exported.

*Legislative History*

H.R. 3019 was introduced in the House on March 5, 1996, by Mr. Livingston and referred to the Committee on Appropriations, and

in addition to the Committee on the Budget. On March 7, 1996, the House passed H. Res. 372, a rule providing for immediate consideration of H.R. 3019 in the House. The House then considered and passed H.R. 3019 by a roll call vote of 209 yeas to 206 nays.

On March 11, 1996, H.R. 3019 was received in the Senate, read twice, and laid before the Senate. The Senate considered H.R. 3019 on March 11, 12, 13, 14, 15, 18, and 19, 1996. On March 19, 1996, the Senate passed H.R. 3019, amended, by a roll call vote of 79 yeas to 21 nays. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees.

On March 21, 1996, the House disagreed to the Senate amendment to H.R. 3019, agreed to a conference with the Senate, and appointed conferees. Conference meetings were held on March 21, March 27, March 28, March 29, and April 24, 1996. On April 24, 1996, the conferees agreed to file a conference report on H.R. 3019. The conference report was filed in the House on April 25, 1996 (H. Rpt. 104-537). On that same date, the House agreed to the conference report by roll call vote of 399 yeas to 25 nays. The Senate agreed to the conference report on April 25, 1996, by a roll call vote of 88 yeas to 11 nays. On April 25, 1996, H.R. 3019 was presented to the President. On April 26, 1996, the President signed H.R. 3019 into law (P.L. 104-134).

## RYAN WHITE CARE ACT AMENDMENTS OF 1996

### Public Law 104-146 (S. 641, H.R. 1872)

To amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

*Summary*

The purpose of H.R. 1872 is to reauthorize and revise the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, a program of grants for the provision of primary health care and support services for people infected with the human immunodeficiency virus (HIV) and for those who have acquired immune deficiency syndrome (AIDS), the full-blown illness caused by HIV. Such services include outpatient health and medical services, as well as such ancillary services as continuation of private health insurance and home health care. H.R. 1872 extends the authority for this program for 5 years.

The legislation makes changes in the formulas by which funds are allocated among cities eligible for assistance and among States (all of which are eligible for assistance). The legislation also clarifies the program by which AIDS research for women and children is facilitated through the provision of health and support services. In addition, the legislation makes minor changes to the program of early intervention services provided by Federally assisted primary care centers to require that certain services be provided and that a specified portion of funds be expended on site.

*Legislative History*

On April 3, 1995, the Senate Committee on Labor and Human Resources reported S. 641, the Ryan White CARE Reauthorization

Act of 1995, to the Senate (S. Rpt. 104-25). The Senate considered S. 641 on July 21 and July 26, 1995; on July 26, 1995, the Senate passed S. 641, amended, by a roll call vote of 97 yeas to 3 nays. On July 28, 1995, S. 641 was received in the House and held at the Speaker's desk.

On April 5, 1995, the Subcommittee on Health and Environment held a hearing on the Reauthorization of the Ryan White CARE Act. Witnesses included Members of Congress and representatives of the Department of Health and Human Services, the General Accounting Office, State Health Departments, and various AIDS organizations. On May 11, 1995, the Subcommittee on Health and Environment held a hearing on HIV Testing of Women and Infants, receiving testimony from representatives from the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), the American College of Obstetricians and Gynecologists, the American Academy of Pediatricians, and AIDS advocacy groups.

On June 14, 1995, the Subcommittee on Health and Environment met in open markup session and considered a Subcommittee Print entitled the Ryan White CARE Act Amendments of 1995. The Subcommittee approved the introduction of a clean bill for Full Committee consideration by a voice vote.

On June 16, 1995, Representatives Bilirakis, Waxman, Bliley, Dingell, Hastert, Wyden, Upton, Manton, Klug, Towns, Greenwood, Studds, Bilbray, Brown of Ohio, Ganske, Furse, Moorhead, Deutsch, Rush, Eshoo, Stupak, Gunderson, and Pelosi introduced the clean bill in the House as H.R. 1872. On July 13, 1995, the Committee met in open markup session to consider H.R. 1872 and ordered the bill reported to the House, amended, by a roll call vote of 41 yeas to 0 nays. The Committee reported H.R. 1872 to the House on September 14, 1995 (H. Rpt. 104-245).

On September 18, 1995, the House considered H.R. 1872 under Suspension of the Rules and passed the bill, as amended, by a voice vote. The House then took S. 641 from the Speaker's desk and passed that bill, amended with the text of H.R. 1872 as passed by the House. H.R. 1872 was then laid on the table.

On October 13, 1995, the Senate disagreed to the House amendment to S. 641, requested a conference with the House, and appointed conferees. The House insisted on its amendment, agreed to a conference with the Senate, and appointed conferees on December 7, 1995. A conference meeting was held on March 27, 1996. On April 10, 1996, the conference report was filed in the House (H. Rpt. 104-545). The House agreed to the conference report on May 1, 1996, by a roll call vote of 402 yeas to 4 nays. The Senate agreed to the conference report on May 2, 1996, by a voice vote.

S. 641 was presented to the President on May 8, 1996. The President signed S. 641 into law on May 20, 1996 (P.L. 104-146).

### TRAUMATIC BRAIN INJURIES

#### Public Law 104-166 (H.R. 248)

To amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative pro-

grams with respect to traumatic brain injury, and for other purposes.

*Summary*

H.R. 248 expands the efforts to identify methods of preventing traumatic brain injury; expands biomedical research efforts to prevent or minimize the severity of dysfunction resulting from such an injury; and improves the delivery and quality of services through State demonstration projects. To achieve these goals, H.R. 248 authorizes: (1) the Centers for Disease Control and Prevention to establish projects to prevent and reduce the incidence of traumatic brain injury; (2) the National Institutes of Health to award grants to conduct basic and applied research on developing new methods for more effective diagnosis, therapies, and continuum of care; and (3) the Health Resources and Services Administration to make grants to States to carry out demonstration programs to improve access to services regarding traumatic brain injury.

*Legislative History*

On January 4, 1995, H.R. 248 was introduced in the House by Mr. Greenwood and Mr. Pallone.

The Subcommittee on Health and Environment met in open markup session to consider H.R. 248 on June 6, 1996, and approved the bill, amended, for Full Committee consideration, by a voice vote. On June 13, 1996, the Full Committee met in open markup session and ordered, H.R. 248, as amended, reported to the House by a voice vote. The Committee reported H.R. 248 to the House on June 27, 1996 (H. Rpt. 104-652).

On July 9, 1996, the House considered H.R. 248 under Suspension of the Rules and passed the bill by a voice vote. On July 10, 1996, H.R. 248 was received in the Senate. The Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 248 on July 12, 1996, and passed the bill without amendment.

H.R. 248 was presented to the President on July 17, 1996. The President signed H.R. 248 into law on July 29, 1996 (P.L. 104-166).

## FOOD QUALITY PROTECTION ACT OF 1996

### Public Law 104-170 (H.R. 1627)

To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes.

*Summary*

The Food Quality Protection Act of 1996 (P.L. 104-170) amends both the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to provide a comprehensive and health-based regulatory scheme for pesticides. For over two decades, there have been major efforts to update and resolve inconsistencies in the two major statutes. This new law represents a major breakthrough by mandating a single, health-based standard for all pesticides in all foods. It provides special protection for children, expedites approval of safer pesticides, and requires periodic re-evaluation of pesticide registrations and

tolerances to ensure that pesticide registrations will remain up-to-date.

*General Standards for Tolerances*

Previous law required the Environmental Protection Agency (EPA) to establish tolerances that will protect the public health. The new law establishes a single, health-based standard for all pesticide residues in all types of foods. The new standard requires that tolerance be "safe," defined as a "reasonable certainty that no harm will result from aggregate exposure," including all exposure through the diet and other non-occupational exposures for which there is reliable data. The new law continues to distinguish between threshold and non-threshold effects. The new law provides for no differences in the standards applicable to tolerances set for raw and processed food.

*Resolution of the Delaney Paradox*

Under previous law, if a pesticide that causes cancer concentrated in a processed food at a greater level than the tolerance for the raw agricultural commodity, the Delaney Clause of the FFDCA prohibited the setting of a tolerance. This had a paradoxical effect in terms of food safety, since EPA could allow the same pesticide in other foods based on a determination that the pesticide did not concentrate on the processed food. P.L. 104-170 eliminates the application of the Delaney clause in setting any tolerance for pesticide residues in food. Rather, the EPA must determine that tolerances are "safe," defined as a "reasonable certainty that no harm will result from aggregate exposure to the pesticide."

*Special Provisions for Infants and Children*

P.L. 104-170 explicitly requires the EPA to address risks to infants and children and to publish a scientific safety finding before a tolerance can be established. It also provides for an additional safety factor of up to tenfold, if necessary, to ensure that tolerances are safe for infants and children. The new law requires collection of better data on food consumption patterns and pesticide residue levels for products that children consume. Consequently, the potentially greater exposure and sensitivity of infants and children will be explicitly taken into account.

*Consideration of Pesticide Benefits*

Under the previous law, EPA was required to give appropriate consideration to the necessity for the production of an adequate, wholesome, and economical food supply. The new law allows tolerances to remain in effect that would not otherwise meet the safety standard, based on the benefits afforded by the pesticide. The use of benefits will only be available if: (1) the pesticide prevents even greater health risks to consumers, or (2) the lack of the pesticide would result in a significant disruption in domestic production of an adequate, wholesome, and economical food supply. Tolerances based on benefit considerations would be subject to the following limits on risk: (1) the yearly cancer risk may not exceed ten times the negligible risk level, and (2) the cumulative lifetime risk may never be greater than twice the negligible risk level. To the extent

that the cumulative lifetime risk would exceed this level, the tolerance must be phased-out. These tolerances would also receive a more frequent review than other tolerances.

*Other Factors to be Considered in Setting Tolerances*

The new law requires EPA to consider the following factors: (1) the validity, completeness and reliability of the data; (2) the nature of the potential toxic effects; (3) dietary consumption patterns and variations in the sensitivities of major identifiable subpopulations; (4) cumulative and aggregate effects of exposure to the pesticide and other substances with common mechanisms of toxicity; and (5) effects on the endocrine system.

In assessing potential risks, EPA may also consider exposure to actual residues expected on foods (which are often far lower than tolerances), and the percent of a crop treated with the pesticide.

*National Uniformity of Tolerances*

Under previous law, States were allowed to set tolerances that were stricter than EPA tolerances. Generally, the new law preempts States from establishing tolerances that differ from EPA Federal tolerances first established or reassessed after April 25, 1985. States may petition EPA for exemptions if there are compelling local conditions that justify the exemption.

*Endocrine Disruptors*

The new law requires the development and implementation of a comprehensive screening program for estrogenic and other endocrine effects within 3 years of enactment.

*Consumer Right to Know*

The new law requires the EPA to publish a pamphlet containing consumer information on the risks and benefits of pesticides, any tolerances that EPA has established based on benefits considerations, and recommendations for reducing exposure to pesticide residues and maintaining a healthy diet. This information would be distributed each year to large retail grocers for public display in a manner determined by the grocer.

*Re-Evaluation of Existing Tolerances*

The new law requires review of all tolerances on the following schedule: (1) 33 percent within 3 years; (2) 66 percent within 6 years; and (3) 100 percent within 10 years. Therefore, within 10 years, all tolerances will be required to meet the new safety standard.

*Legislative History*

H.R. 1627 was introduced in the House on May 12, 1995, by Mr. Bliley and 96 cosponsors. Titles I-III of the bill were referred to the Committee on Agriculture; Title IV was referred to the Committee on Commerce.

The Subcommittee on Health and the Environment held 2 days of hearings on H.R. 1627 on June 7 and June 29, 1995. The second hearing also included testimony on H.R. 1771, the Pesticide Safety and Right-to-Know Act of 1995. On June 7, 1995, witnesses in-

cluded EPA officials and academic and industry representatives. On June 29, 1995, testimony was given by consumers and academic and industry representatives.

On June 20, 1995, the House Committee on Agriculture began markup of H.R. 1627 and incorporated the provisions of H.R. 1680, the Antimicrobial Pesticide Registration Reform Act of 1995, into H.R. 1627, but did not complete action thereon. On June 19, 1996, the Committee on Agriculture ordered H.R. 1627 reported to the House. The Committee on Agriculture reported H.R. 1627 to the House on July 11, 1996 (H. Rpt. 104-669, Part 1).

The Subcommittee on Health and Environment met in open markup session to consider H.R. 1627 on July 11 and July 17, 1996; on July 17, 1996, the Subcommittee approved H.R. 1627, amended, for Full Committee consideration, by a voice vote. The Full Committee met in open markup session to consider H.R. 1627 on July 17, 1996, and ordered the bill reported to the House, as amended, by a roll call vote of 45 yeas to 0 nays. The Committee on Commerce reported H.R. 1627 to the House on July 23, 1996 (H. Rpt. 104-669, Part 2).

On July 23, 1996, The House considered H.R. 1627 under Suspension of the Rules and passed the bill by a roll call vote of 417 yeas to 0 nays. H.R. 1627 was received in the Senate on July 23, 1996, and read twice. On July 24, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1627 and passed the bill without amendment.

H.R. 1627 was presented to the President on July 26, 1996. The President signed H.R. 1627 into law on August 3, 1996 (Public Law No. 104-170).

## SAFE DRINKING WATER ACT AMENDMENTS OF 1996

### Public Law 104-182 (S. 1316, H.R. 3604)

To reauthorize and amend Title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

*Summary*

The Safe Drinking Water Act Amendments of 1996 include comprehensive amendments to the Safe Drinking Water Act of 1974, as well as a number of other provisions. Title I of Public Law 104-182 consists of amendments to the Safe Drinking Water Act itself. Title II consists of provisions concerning drinking water research. Title III addresses a number of miscellaneous provisions. Title IV pertains to additional assistance for water infrastructure and watersheds. Finally, Title V makes various clerical amendments.

*Title I—Amendments to Safe Drinking Water Act*

*State Revolving Loan Funds (SRFs).*—Public Law 104-182 authorizes the Environmental Protection Agency (EPA) to make grants to States to establish State revolving loan funds (SRFs). A State may use funds in its SRF to provide loans and other specified types of financial assistance to public water systems for capital improvements which are necessary to comply with the requirements of the Safe Drinking Water Act.

*Selection of New Contaminants.*—Public Law 104-182 gives EPA the authority to decide which contaminants to regulate based on whether: (1) the contaminant may have an adverse effect on health of persons; (2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in a public water system with a frequency and at a level of public health concern; and (3) the contaminant presents a meaningful opportunity for health risk reduction.

*Risk Assessment, Management and Communication.*—Public Law 104-182 requires that, when setting national drinking water standards, EPA must utilize the "best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices," as well as use data collected by accepted or best available methods. In addition, when proposing any new drinking water regulation, the Administrator of EPA (the Administrator) must publish and seek public comment on quantifiable and non-quantifiable health risk reduction benefits and costs for each alternative standard being considered.

*Standard-Setting.*—Public Law 104-182 gives the Administrator the authority to set a Maximum Contaminant Level (MCL) at a level other than the "feasible" level in certain situations if the Administrator determines, based on the costs and benefits analyses conducted on the rule, that the benefits of a particular standard would not justify the costs. In addition, the Administrator is authorized to set a standard at a level other than the "feasible" level if the Administrator determines that the feasible level would increase the level of other contaminants or interfere with other treatment techniques.

*Treatment Technologies for Small Systems.*—Public Law 104-182 requires the Administrator to list treatment technologies and techniques which meet MCLs and which the Administrator determines, in consultation with the States, are affordable for public water systems in different size categories.

*Certain Contaminants.*—Public Law 104-182 contains separate provisions for the establishment of regulations with respect to arsenic, sulfate and radon.

*Enforcement.*—Public Law 104-182 streamlines administrative enforcement of the Act and specifies which sections of the Act are "applicable requirements" subject to enforcement by EPA.

*Consumer Right-To-Know.*—Public Law 104-182 requires each community water system to mail an annual report to consumers containing specified information. A Governor may decide not to apply the mailing requirement to systems serving under 10,000 people, if alternative actions are taken. Additional flexibility is provided to public water systems serving fewer than 500 persons.

*Variances.*—Public Law 104-182 provides that a State may grant a variance to a public water system serving fewer than 3,300 persons—and to a public water system serving between 3,300 and 10,000 persons with the approval of EPA—if the public water system meets certain conditions.

*Exemptions.*—Public Law 104-182 provides that a public water system may obtain an exemption from a national primary drinking water regulation for not more than 3 years after the otherwise applicable compliance date for the regulation. A public water system

serving fewer than 3,300 persons may obtain an exemption for one or more 2-year periods, not to exceed 6 years.

*Capacity Development.*—Public Law 104-182 adds a new Section 1420 to provide that a State will receive only 80 percent of its SRF grant unless it takes certain actions to help public water systems develop and maintain the capacity to comply with the Safe Drinking Water Act.

*Operator Certification.*—Public Law 104-182 adds new Section 1419 to the Safe Drinking Water Act to establish standards for the training and certification of operators of community and nontransient noncommunity public water systems. EPA must withhold 20 percent of a State's SRF grant unless the State has adopted and is implementing an operator certification program which meets the requirements of EPA's guidelines. However, EPA must allow a State to continue to implement its existing operator certification program unless EPA determines that the State's existing program is not substantially equivalent to EPA's guidelines.

*Public Water System Supervision Grants.*—Public Law 104-182 authorizes $100 million in Public Water System Supervision grants for each of Fiscal Years 1997 through 2003.

*Monitoring Flexibility.*—Public Law 104-182 provides that each State, which has primary enforcement responsibility and an approved source water assessment program, may adopt tailored alternative monitoring requirements for public water systems.

*Health Effect Studies.*—Public Law 104-182 authorizes EPA to reserve $10 million for each fiscal year from funds allocated to the SRF for health effects studies on drinking water contaminants. The Administrator is to give priority to studies concerning the health effects of cryptosporidium, disinfection byproducts, and arsenic.

*Source Water Assessment.*—Public Law 104-182 creates a new program under which EPA is required to issue guidance for States to carry out an assessment of source waters within the State's boundaries. A State must have an approved source water assessment program in order to be eligible to provide permanent monitoring relief under new Section 1418(b).

*Source Water Petition Program.*—Public law 104-182 adds a new Section 1454 which authorizes each State to establish a source water petition program under which an owner or operator of a community water system, or a municipal or local government, may submit a petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership.

*Estrogenic Substances Screening Program.*—Section 136 of Public Law 104-182 expands the new estrogenic substances screening program which was included in the Food Quality Protection Act of 1996 (P.L. 104-170) to include substances that may be found in drinking water if EPA determines that a substantial population may be exposed to such substance.

*Drinking Water Studies.*—Public Law 104-182 requires EPA to conduct a study to identify groups that may be at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. The Administrator is also required to conduct biomedical studies to understand the mechanisms by

which contaminants are absorbed, distributed, metabolized, and eliminated from the human body.

*Title II—Drinking Water Research*

Title II of the Safe Drinking Water Act Amendments of 1996 authorizes drinking water research for Fiscal Years 1997 through 2003. The annual total of sums authorized is not to exceed $26,593,000.

*Title III—Miscellaneous Provisions*

This Title repeals Section 3013 of the Energy Policy Act of 1992 which encouraged the use of water in public water systems for energy conservation. This Title also contains provisions encouraging and granting consent to the customers of the Washington Aqueduct to establish a non-Federal public or private entity to receive title to the Washington Aqueduct and to operate, maintain and manage the aqueduct. The Title additionally authorizes the Administrator to provide technical and financial assistance to the State of Alaska for the purpose of developing and operating water and waste water systems for the benefit of rural and Alaskan Native villages. Additionally, Title III amends the Federal Food, Drug and Cosmetic Act to require the Food and Drug Administration to issue standard of quality regulations for bottled water within a specified time after new regulations are issued for tap water under the Safe Drinking Water Act. Finally, Title III also contains amendments to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 respecting zebra mussels.

*Title IV—Additional Assistance*

Title IV authorizes $25,000,000 for each of Fiscal Years 1997 through 2003 to provide technical and financial assistance to the States in the form of grants for the construction, rehabilitation, and improvement of water supply systems and to address pollutants in navigable waters. In addition, another $25,000,000 for each of Fiscal Years 1997 through 2003 is authorized provided that 75 percent of the funds authorized for the SRF are appropriated for such fiscal year. Grants are subject to a 50 percent cost share.

*Title V—Clerical Amendments*

Title V contains technical and clerical amendments to the Safe Drinking Water Act.

*Legislative History*

On October 12, 1995, S. 1316, the Safe Drinking Water Act of 1996, was introduced in the Senate by Senators Kempthorne, Chafee, Baucus, Reid, Kerrey, Dole, Daschle, Warner, Smith, Faircloth, Inhofe, Thomas, McConnell, Jeffords, Hatch, Simpson, Domenici, Burns, Craig, Bennett, Exon, Conrad, Hatfield, and Lautenberg. On November 7, 1995, the Senate Committee on Environment and Public Works reported S. 1316 to the Senate (S. Rpt. 104-169). On November 29, 1995, the Senate considered S. 1316 and passed the bill, amended, by a roll call vote of 99 yeas to 0 nays. S. 1316 was received in the House on December 4, 1995, and held at the Speaker's desk.

On January 31, 1996, the Subcommittee on Health and Environment held a hearing on the Priorities for the Reauthorization of the Safe Drinking Water Act. Testimony was received from Members of Congress, the Assistant Administrator, Office of Water, U.S. Environmental Protection Agency, and from representatives of the National Governors Association, the National League of Cities, the Association of State Drinking Water Administrators, the American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Water Companies, the National Rural Water Association and the Natural Resources Defense Council.

On June 6, 1996, the Subcommittee on Health and the Environment met in open markup session and considered a Subcommittee Print entitled the "Safe Drinking Water Act Amendments of 1996". The Subcommittee approved the introduction of a clean bill for Full Committee consideration, by a roll call vote of 24 yeas to 0 nays.

On June 10, 1996, Mr. Bliley and 37 cosponsors introduced the clean bill in the House as H.R. 3604. On June 11, 1996, the Full Committee met in open markup session to consider H.R. 3604 and ordered the bill reported to the House, amended, by a roll call vote of 42 yeas to 0 nays. The Committee reported H.R. 3604 to the House on June 24, 1996 (H. Rpt. 104-632, Part 1). The bill was referred sequentially to the Committee on Science for a period ending not later than July 24, 1996.

On June 25, 1996, the House considered H.R. 3604 under Suspension of the Rules and passed the bill, amended, by a voice vote. On July 17, 1996, the House, by unanimous consent, took S. 1316 from the Speaker's desk and passed the bill after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 3604, as passed by the House on June 25, 1996. H.R. 3604 was then laid on the table. The House insisted on its amendment, requested a conference with the Senate, and appointed conferees.

On July 18, 1996, the Senate disagreed to the House amendment, agreed to a conference with the House, and appointed conferees. A conference meetings was held on July 26, 1996. On August 1, 1996, the conference report was filed in the House (H. Rpt. 104-741). The House agreed to the conference report on August 2, 1996, by a roll call vote of 392 yeas to 30 nays. The Senate also agreed to the conference report on August 2, 1996, by a roll call vote of 98 yeas to 0 nays.

S. 1316 was presented to the President on August 2, 1996. The President signed S. 1316 into law on August 6, 1996 (P.L. 104-182).

## DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1996

### Public Law 104-183 (S. 1757, H.R. 3867)

To amend the Developmental Disabilities and Bill of Rights Act to extend the Act, and for other purposes.

*Summary*

The Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-103) was enacted in 1975 and has been extended and revised many times in past Congresses. This reauthorization ex-

presses Congressional support for the developmental disabilities programs and permits the revisions passed in the last reauthorization to continue to be implemented. The authorization for these programs expires on September 30, 1996.

Public Law 104-183 extends for 3 years the Developmental Disabilities Assistance and Bill of Rights Act, a program that consists of four components: a basic State grant program; a protection and advocacy program; a university affiliated program; and projects of national significance.

*Legislative History*

S. 1757 was introduced in the Senate by Mr. Frist and Mr. Harkin on May 14, 1996, and referred to the Senate Committee on Labor and Human Resources. On July 12, 1996, the Senate, by unanimous consent, discharged the Committee on Labor and Human Resources from further consideration of S. 1757. The Senate then proceeded to the immediate consideration of S. 1757 and passed the bill without amendment. S. 1757 was received in the House on July 16, 1996, and referred to the Committee on Commerce.

On July 23, 1996, H.R. 3867, a companion bill to S. 1757, was introduced in the House by Representatives Frisa, Bliley, Dingell, Bilirakis, Towns, Greenwood, Studds, and Eshoo. On July 24, 1996, without objection, the Full Committee, in an open markup session, proceeded to the immediate consideration of H.R. 3867 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3867 to the House on July 30, 1996 (H. Rpt. 104-719).

On July 30, 1996, the House considered H.R. 3867 under Suspension of the Rules and passed the bill, without amendment, by a voice vote. H.R. 3867 was received in the Senate on July 30, 1996, read twice, and referred to the Senate Committee on Labor and Human Resources. No further action was taken on H.R. 3867 in the 104th Congress.

Following the passage of H.R. 3867 on July 30, 1996, the House, by unanimous consent, discharged the Committee on Commerce from further consideration of S. 1757 and passed that bill without amendment, clearing it for the President.

S. 1757 was presented to the President on August 1, 1996. The President signed S. 1757 into law on August 6, 1996 (P.L. 104-183).

## HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

### Public Law 104-191 (H.R. 3103, H.R. 3070, H.R. 995)

To amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

*Summary*

H.R. 3103 guarantees the availability and renewability of private health insurance coverage for certain individuals and limits the use of preexisting condition restrictions. The bill creates Federal standards for insurers, health maintenance organizations (HMOs), employer plans, and self-insured plans.

H.R. 3103 limits the ability of group health plans and health insurance issuers to use preexisting condition restrictions in the group market. The bill permits restrictions for no more than 12 months for physical or mental conditions that have been diagnosed or treated within 6 months prior to the enrollment date. The bill does not limit the use of preexisting conditions in the individual market, except for certain eligible people who move from group to individual coverage. The bill does not limit the waiting periods that plans may impose before an individual is eligible to be covered under the terms of a health care plan.

Limits on the use of preexisting conditions provide for portability of coverage and help solve the problem of "job lock" in which many employees are locked into their current jobs because a job change might subject them to a period without comprehensive health care coverage while preexisting condition restrictions are met. H.R. 3103 ensures portability for individuals moving within the group market. Any preexisting condition restrictions in the new group plan will be reduced by 1 month for every month that the individual has creditable coverage under a previous plan, provided there is no break in previous coverage greater than 62 days.

H.R. 3103 also requires a health insurance issuer to cover any group, or individual in the group who applies, without regard to health status or claims experience. It requires each issuer that offers general coverage in a State's small group market to offer coverage to every small employer (defined as 2 to 50 employees) that applies.

The Federal guarantee requirements also apply to insurance sold to certain qualified individuals in the individual insurance market. In States which do not have an access program for qualified individuals, all insurers in the individual market are required to offer individual coverage to all eligible individuals moving from group to individual coverage if the individuals meet the following criteria: (1) must have been covered for at least the past 18 months, and the most recent coverage must have been from group coverage; (2) must not be eligible for group health coverage, Medicare, or Medicaid; (3) if eligible for continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or similar State program, must have elected and exhausted this coverage; and (4) must not have lost coverage due to nonpayment of premiums or fraud.

*Legislative History*

On February 21, 1996, H.R. 995, the ERISA Targeted Health Insurance Reform Act of 1996, was introduced in the House by Mr. Fawell and 16 cosponsors. The bill was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce. On March 25, 1996, the Committee on Economic and Educational Opportunities reported H.R. 995 to the

House (H. Rpt. 104-498, Part 1). The referral of H.R. 995 to the Committee on Commerce was extended for a period ending not later than March 29, 1996. On March 29, 1996, the Committee on Commerce was discharged from further consideration of H.R. 995.

On March 7, 1996, the Subcommittee on Health and Environment held a hearing on health care reform and the problems of the small business marketplace and the individual health insurance market. The purpose of this hearing was to focus on the national problem of the small business market and its concentration of uninsured workers and their families. Witnesses included officials from the health insurance industry and private sector businesses.

On March 12, 1996, Mr. Bilirakis and Mr. Bliley introduced H.R. 3070, the Health Coverage Availability and Affordability Act of 1996, in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Economic and Educational Opportunities.

On March 14, 1996, the Subcommittee on Health and Environment met in open markup session to consider H.R. 3070, and approved the bill for Full Committee consideration by a voice vote. On March 20, 1996, the Full Committee met in open markup session to consider H.R. 3070, and ordered the bill reported to the House, amended, by a roll call vote of 38 yeas to 0 nays. The Committee on Commerce reported H.R. 3070 to the House on March 25, 1996 (H. Rpt. 104-497, Part 1). The referral of H.R. 3070 to the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Economic and Educational Opportunities was extended for a period ending not later than March 29, 1996. On March 29, 1996, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Economic and Educational Opportunities were discharged from further consideration of H.R. 3070.

On March 18, 1996, Mr. Archer, Mr. Thomas, Mr. Bilirakis, Mr. Bliley, Mr. Hastert, Mr. Zimmer, Mr. Dickey, Mr. Lazio, Mr. Weller, and Mr. Castle introduced H.R. 3103. H.R. 3103 was referred to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, the Committee on Commerce, and Committee on the Judiciary.

On March 25, 1996, the Committee on Ways and Means reported H.R. 3103 to the House (H. Rpt. 104-496, Part 1). The referral of the bill to the Committee on Commerce, the Committee on Economic and Educational Opportunities, and the Committee on the Judiciary was extended for a period ending not later than March 29, 1996.

On March 27, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3103 (H. Res. 392). H. Res. 392 provided that an amendment in the nature of a substitute consisting of the text of H.R. 3160, as amended by H. Rpt. 104-501, shall be considered as adopted, and that H.R. 3103, as so amended, be considered as the original bill for purposes of further amendment. H.R. 3160 was based on the provisions of H.R. 995, H.R. 3070, and H.R. 3103, as reported by the Committee on Economic and Educational Opportunities, the Committee on Commerce, and the Committee on Ways and Means, respectively.

The House passed H.R. 3103 by a roll call vote of 267 yeas to 151 nays on March 28, 1996. H.R. 3103, as passed by the House, was received in the Senate and read for the first time on April 15, 1996. The Senate considered S. 1028, a companion bill, on April 18, 1996 and April 23, 1996. On April 23, 1996, the Senate passed H.R. 3103, as amended by striking all after the enacting clause and inserting in lieu thereof the text of S. 1028, as amended by the Senate, by a roll call vote of 100 yeas to 0 nays.

On June 11, 1996, the House disagreed to the Senate amendments to H.R. 3103 and requested a conference with the Senate. Members of the Committee on Commerce were appointed as conferees. On July 25, 1996, the Senate insisted upon its amendments to H.R. 3103, agreed to a conference with the House, and appointed conferees. The conferees met on July 26, 1996. The conference report was filed in the House on July 31, 1996 (H. Rpt. 104-736). By unanimous consent, the House proceeded to the immediate consideration of H. Con. Res. 208, a resolution to correct the enrollment of H.R. 3103, and passed the resolution. The House agreed to the conference report, by a roll call vote of 421 yeas to 2 nays, on August 1, 1996. The Senate passed S. Con. Res. 68 and H. Con. Res. 208, resolutions to correct the enrollment of H.R. 3103, on August 2, 1996. The Senate agreed to the conference report, by a roll call vote of 98 yeas to 0 nays, on August 2, 1996.

On August 9, 1996, H.R. 3103 was presented to the President. The President signed H.R. 3103 into law on August 21, 1996 (P.L. 104-191).

## PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

### Public Law 104-193 (H.R. 3734, H.R. 3829, S. 1956)

To provide for reconciliation pursuant to section 201(1)(a) of the concurrent resolution on the budget for Fiscal Year 1997.

*Summary*

The purpose of Public Law 104-193 is to make reforms in the Welfare and Medicaid Programs. Effective July 1, 1997, Public Law 104-193 will replace the Aid for Families with Dependent Children (AFDC) Program with block grants to States for Temporary Assistance for Needy Families (TANF). The Act allows each State to establish its own TANF eligibility standards and does not require automatic Medicaid coverage for those who receive TANF aid. Thus, Public Law 104-193 severs the link between cash assistance and Medicaid. Because of the delinking, Medicaid beneficiaries who fail to qualify under the TANF program are not at risk of losing Medicaid coverage.

The Act amends the Medicaid statute to provide that current Medicaid eligibles and future applicants who meet a State's AFDC standards (including income and resource standards and methodologies) as in place as of July 16, 1996 will continue to receive Medicaid health care coverage. Therefore, Medicaid coverage will not be restricted by the rules of a State's new welfare program under TANF.

Under the prior law, families who received AFDC cash assistance in at least 3 of the preceding 6 months, and became ineligible for cash assistance because of increased earnings, were guaranteed Medicaid coverage for an additional 6 months. Families covered during the entire 6 month period, and earning below 185 percent of poverty, qualified for a second 6-month period. Public Law 104-193 provides for identical continued coverage for such families. Prior law had provided for these extensions only until September 30, 1998. Public Law 104-193 extends the sunset to September 30, 2001. Public Law 104-193 also continues a current law requirement of an additional 4 months of Medicaid coverage for families and individuals who had been covered in 3 of the preceeding 6 months and who would become ineligible as a result of the collection of child or spousal support.

Public Law 104-193 makes significant changes to full Medicaid eligibility for legal aliens. For legal aliens who are currently Medicaid beneficiaries, coverage continues until January 1, 1997. Beginning on that date, States will have the option of denying Medicaid benefits except for certain individuals who meet specified criteria. Permanent resident aliens arriving in this country on or after August 22, 1996, are restricted from receipt of Medicaid benefits (other than emergency services) for their first 5 years in this country. States have the option of providing full Medicaid benefits 5 years after entry, but there are new rules that deem a sponsor's assets available to a sponsored alien.

Finally, Public Law 104-193 amends the Medicaid statute to permit a State to determine Medicaid eligibility through either its welfare agency or its Medicaid agency and specifies that a State may use a single application form for both TANF and Medicaid. For States that demonstrate additional administrative costs attributable to conducting dual eligibility determinations, the Act authorizes $500 million for Fiscal Years 1997 through 2002.

*Legislative History*

The Subcommittee on Health and Environment held six hearings in the 104th Congress on the Transformation of the Medicaid Program and related Medicaid issues, including the Vaccines for Children Program. The hearing dates were June 8, 1995; June 15, 1995; June 21, 1995; June 22, 1995; July 26, 1995; and August 1, 1995.

Testimony at these hearings was received from 64 witnesses, including Governors, Members of Congress, representatives of the Administration, representatives of State health care administrations, representatives of health care professionals, representatives from the health care industry, and persons served by the Medicaid program.

On June 8, 1995, the Subcommittee heard testimony from five State Governors concerning administration of the Medicaid Program.

On June 15, 1995, testimony was received from representatives of the Centers for Disease Control and Prevention, industry representatives, and health care providers on the subject of the Vaccines for Children Program.

On June 21, 1995, representatives from the Health Care Financing Administration, the Congressional Budget Office, and academic groups testified before the Subcommittee on the subject of Medicaid.

On June 22, 1995, testimony was received from a Health Care Financing Administration representative, representatives from State Medicaid bureaus, and local industry and academic representatives on the subject of Medicaid from the State perspective.

Subcommittee testimony on July 26, 1995, focused on Medicaid from the State and local provider perspective, and was presented by elected State representatives and health plan officials. On August 1, 1995, health care providers and beneficiary representatives presented a variety of perspectives on impact of spending reductions on the Medicaid program.

On February 6, 1996, the National Governors Association (NGA) unanimously adopted a bipartisan proposal to restructure the Medicaid Program. The NGA proposal would replace current Medicaid law with a new flexible program that would allow States a combination of increased Federal funding and enhanced operational and administrative flexibility to implement new ideas and management techniques providing those below the income poverty level with adequate and efficient health care.

The Full Committee on Commerce held two oversight hearings on the NGA Medicaid Restructuring Proposal. The first hearing was held on February 21, 1996. Witnesses included Governors of the States of Michigan, Florida, Utah, Nevada, Wisconsin, and Colorado. The purpose of the hearing was to examine the process by which the Governors reached consensus and the manner in which their bipartisan proposal would enable them to improve the effectiveness and quality of their Medicaid programs.

The Full Committee held a follow-up hearing on the NGA Medicaid Restructuring Proposal on March 6, 1996. Witnesses at the second hearing included the Secretary of Health and Human Services, various health industry officials, and representatives of non-profit organizations. The purpose of this hearing was to receive testimony from the Administration and those in the health care industry concerning the NGA's Medicaid Restructuring Proposal.

On May 22, 1996, H.R. 3507, the Personal Responsibility and Work Opportunity Act of 1996, was introduced in the House by Representatives Archer, Bliley, Roberts, Shaw, Bilirakis, Emerson, Camp, McCrery, Collins of Georgia, English of Pennsylvania, Nussle, Dunn of Washington, Ensign, Laughlin, and Deal of Georgia. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on National Security, the Committee on International Relations, and the Committee on the Budget.

H.R. 3507 is a two-part bill providing for the reform and restructuring of the Welfare and Medicaid Programs. Division A deals with the nonmedical welfare provisions of current law. Division B, the Medicaid Restructuring Act of 1996, deals with the Medicaid Program and includes some of the Medicaid restructuring rec-

ommendations contained in the Unanimous Bipartisan National Governors Association Medicaid Restructuring Proposal adopted on February 6, 1996.

On June 11, 1996, the Committee on Commerce held a Full Committee legislative hearing on H.R. 3507. Witnesses at the hearing included the Secretary of Health and Human Services and representatives of the Commonwealth of Virginia, the American Hospital Association, and the Long Term Care Campaign, a coalition of more than 140 national organizations representing long term care recipients and providers. No further action was taken on H.R. 3507 in the 104th Congress. For the legislative history of H.R. 3507, see the discussion of that bill in the Full Committee section of this report.

On June 13, 1996, the Full Committee met in open markup session and considered and approved two Committee Prints pertaining to Medicaid Restructuring and Welfare Reform for transmittal to the Committee on the Budget for inclusion in the FY 1997 Medicaid and Welfare Reform Act. These Committee Prints were largely based on the provisions of H.R. 3507 which fell within the jurisdiction of the Committee on Commerce.

The first Committee Print, entitled "Title II, Subtitle A—Medicaid Restructuring Act of 1996" was ordered transmitted to the Committee on the Budget, as amended, by a roll call vote of 26 yeas to 14 nays.

The second Committee Print, entitled "Title II, Subtitle B—Other Provisions" was ordered transmitted to the Committee on the Budget, as amended, by a voice vote. The second Committee Print contained provisions dealing with: (1) energy assistance; (2) involvement of the Committee on Commerce in Federal government position reductions; and (3) restricting public benefits for aliens.

The provisions of these two Committee Prints were included in the text of Title II of H.R. 3734, the Welfare and Medicaid Reform Act of 1996, as reported to the House by the Committee on the Budget on June 27, 1996 (H. Rpt. 104-651; H. Rpt. 104-651, Errata Report).

On July 17, 1996, the House agreed to a unanimous consent request providing for the consideration of H.R. 3734 and completed 2 hours of general debate on the measure. On that same day, the Committee on Rules met and granted a rule providing for further consideration of H.R. 3734. The rule was filed in the House on July 17, 1996, as H. Res. 482 (H. Rpt. 104-686).

On July 18, 1996, the House considered and passed H. Res. 482 by a roll call vote of 358 yeas to 54 nays. H. Res. 482 provided for an additional 2 hours of debate on H.R. 3734. H. Res. 482 also provided that an Amendment in the Nature of a Substitute consisting of the text of H.R. 3829, as amended by the amendments contained in Part 1 of the Committee Report, shall be considered as adopted by the House, and that H.R. 3734, as so amended, shall be considered as the original bill for purposes of amendment on the House Floor.

The House then continued consideration of H.R. 3734 on July 18, 1996, and passed the bill, as amended, by a roll call vote of 256 yeas to 170 nays. H.R. 3734 was received in the Senate on July 18, 1996, and held at the desk.

On July 16, 1996, Mr. Domenici introduced in the Senate S. 1956, a companion bill to H.R. 3734, as an original measure reported by the Senate Committee on the Budget on that date (No Written Report). The Senate considered S. 1956 on July 18, July 19, July 22, and July 23, 1996. On July 23, 1996, the Senate took H.R. 3734 from the desk, and, by a roll call vote of 74 yeas to 24 nays, passed the bill, amended with text of S. 1956, as amended by the Senate. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees. S. 1956 was returned to the Senate Calendar and no further action occurred on the bill in the 104th Congress.

On July 24, 1996, the House disagreed to the Senate amendment to H.R. 3734, agreed to a conference with the Senate, and appointed conferees. The conference report on H.R. 3734 was filed in the House on July 30, 1996 (H. Rpt. 104-725). The House agreed to the conference report on July 31, 1996, by a roll call vote of 328 yeas to 101 nays. The Senate agreed to the conference report on August 1, 1996, by a roll call vote of 78 yeas to 21 nays.

H.R. 3734 was presented to the President on August 19, 1996. On August 22, 1996, the President signed H.R. 3734 into law (P.L. 104-193.)

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

### Public Law 104-201 (H.R. 3230, S. 1745)

### (Health Related Provisions)

To authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

Public Law 104-201 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with health-related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the negotiations which led to the agreements reflected in the public law.

Specifically, Public Law 104-201 includes a provision to create a special mechanism to allow generic drugs on the market during the patent extension created by the Uruguay Round Agreements Act. The Act contains various provisions relating to officers in the Public Health Service Commissioned Corps, including provisions relating to their military pay raise, active duty service obligations under Armed Services Health Professions Scholarships, and exceptions to strength limitations for Public Health Service officers assigned to the Department of Defense (DOD).

The Act also directs the Secretary of Defense and the Secretary of Health and Human Services (HHS) to submit jointly to the Congress and the President a report regarding: (1) the establishment of a demonstration program under which military retirees who are eligible for Medicare (Title XVIII of the Social Security Act) can be

enrolled in the managed care option of TRICARE and the HHS Secretary will reimburse the DOD Secretary for the cost of providing such care; and (2) the feasibility and advisability of expanding the demonstration program to allow DOD reimbursement on a fee-for-service basis.

The Committee on Commerce supported the inclusion of these provisions in the final bill.

*Legislative History*

H.R. 3230 was introduced in the House on April 15, 1996, by Mr. Spence and Mr. Dellums and referred to the Committee on National Security. On May 7, 1996, the Committee on National Security reported H.R. 3230 to the House (H. Rpt. 104-563). The House considered H.R. 3230 on May 14 and 15, 1996, and on May 15, 1996, passed the bill, amended, by a roll call vote of 272 yeas to 153 nays. On May 17, 1996, H.R. 3230 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 13, 1996, the Senate Committee on Armed Forces reported a companion bill, S. 1745, to the Senate (S. Rpt. 104-267). On May 15, 1996, S. 1745 was referred to the Senate Committee on Intelligence, which reported the bill to the Senate on June 11, 1996 (S. Rpt. 104-278). The Senate considered S. 1745 on June 18, June 19, June 20, June 24, June 25, June 26, June 27, June 28, and July 10, 1996. On July 10, 1996, the Senate passed S. 1745 by a roll call vote of 68 yeas to 31 nays. The Senate, by unanimous consent, then took H.R. 3230 from the Senate Calendar and passed the bill, amended with the text of S. 1745 as passed by the Senate. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees.

On July 17, 1996, the House disagreed to the Senate amendment to H.R. 3230, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 3230 was filed in the House on July 30, 1996 (H. Rpt. 104-724). The House agreed to the conference report on August 1, 1996, by a roll call vote of 285 yeas to 132 nays. The Senate considered the conference report on September 9 and September 10, 1996, and agreed to the conference report by a roll call vote of 73 yeas to 26 nays on September 10, 1996.

H.R. 3230 was presented to the President on September 13, 1996. On September 23, 1996, the President signed H.R. 3230 into law (P.L. 104-201.)

## DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

### Public Law 104-204 (H.R. 3666)

### (Health Related Provisions)

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

*Summary*

H.R. 3666 provides appropriations for Fiscal Year 1997 for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3666. The Committee on Commerce did not oppose the inclusion of these provisions in H.R. 3666.

*Title VI—Newborns' and Mothers' Health Protection Act of 1996*

Title VI of Public Law 104-204 requires group health plans and issuers of health insurance plans to provide coverage for a minimum hospital length-of-stay of 48 hours for normal childbirth and 96 hours for caesarean deliveries. The minimum hospital length-of-stay requirements are inapplicable in cases where the decision to discharge the mother prior to the 48/96-hour requirement is made by the attending physician in consultation with the mother. Group health plans and health insurers selling in the group and individual market are prohibited from: (1) denying the mother and her newborn eligibility to enroll or to renew solely to avoid length-of-stay requirements; (2) providing monetary payments or rebates to mothers to encourage less than the minimum stay; (3) penalizing, reducing, or limiting the reimbursement of an attending provider; (4) providing incentives to providers to induce care in a manner inconsistent with the law; or (5) restricting benefits for any portion of a period within a hospital length-of-stay following childbirth in a manner that is less favorable than the benefits provided for any preceding portion of such stay. This law does not apply to any plan or insurance that does not provide benefits for hospital stays in connection with childbirth.

A group health plan or issuer is not prevented from imposing deductibles, coinsurance, or other cost-sharing, except that such cost-sharing cannot be greater than any preceding portion of a hospital stay. State laws are not preempted if they: (1) require at least a 48/96 minimum hour length-of-stay; (2) require maternity care coverage to meet professional association guidelines; and (3) require that the length-of-stay decision is left to the attending provider in consultation with the mother. The Act requires compliance by health plans for plan years beginning on or after January 1, 1998.

*Title VII—Parity in the Application of Certain Limits to Mental Health Benefits*

Title VII of Public Law 104-204, the Mental Health Parity Act of 1996, requires annual and aggregate lifetime dollar limits for mental health coverage to be the same as for physical health coverage. Group health plans or group health insurance coverage offered in connection with a group health plan that covers mental health and medical/surgical conditions must establish either (1) an inclusive limit for all benefits, or (2) separate limits for mental health services that are no more restrictive than those for medical/surgical services.

The Act does not require that mental health benefits be offered as part of a health insurance package or that there be parity in co-

payments or deductibles for mental health services. The Act does not prohibit plans from limiting mental health coverage to medically necessary services, nor does it include coverage for substance abuse services. Medicare, Medicaid, and firms employing 50 or fewer employees are exempted from the provisions of the statute. The statutory requirements are to be waived if a plan's premiums increase by 1 percent or more due to its requirements.

*Legislative History*

H.R. 3666 was introduced in the House on June 18, 1996, by Mr. Lewis of California, and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 104-628). The House considered H.R. 3666 on June 25 and June 26, 1996; on June 26, 1996, the House passed H.R. 3666, amended, by a roll call vote of 269 yeas to 147 nays.

H.R. 3666 was received in the Senate on June 27, 1996, read twice, and referred to the Senate Committee on Appropriations. On July 11, 1996, the Senate Committee on Appropriations reported H.R. 3666, amended, to the Senate (S. Rpt. 104-318). The Senate considered H.R. 3666 on September 3, September 4, and September 5, 1996. The provisions relating to newborns' and mothers' health protection and mental health parity were added during the Senate consideration of H.R. 3666. On September 5, 1996, the Senate passed H.R. 3666, amended, by a roll call vote of 95 yeas to 2 nays.

The Senate insisted on its amendments to H.R. 3666, requested a conference with the House, and appointed conferees on September 5, 1996. On September 11, 1996, the House disagreed to the Senate amendments, agreed to a conference with the Senate, and appointed conferees.

The conference report on H.R. 3666 was filed in the House on September 20, 1996 (H. Rpt. 104-812). The House agreed to the conference report, by a roll call vote of 388 yeas to 25 nays, on September 24, 1996. On September 25, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of the conference report on H.R. 3666 and agreed to the conference report.

H.R. 3666 was presented to the President on September 25, 1996. On September 26, 1996, the President signed H.R. 3666 into law (P.L. 104-204).

## OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Public Law 104-208 (H.R. 3610, S. 1894, H.R. 4278)

(Health Related Provisions)

Making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, and for other purposes.

*Summary*

H.R. 3610 served as an omnibus continuing appropriations measure for those Federal agencies which did not have individual Fiscal Year 1997 appropriations measures enacted into law. Affected agencies and entities included the Departments of Justice, Commerce, State, Defense, Interior, Labor, Health and Human Services, Education, and the Treasury, as well as the Post Office and

the Judiciary. Independent agencies such as the Federal Trade Commission were also funded by the bill. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3610. The Committee on Commerce did not oppose the inclusion of these provisions in the public law.

Specifically, Public Law 104-208 contains provisions which: (1) express a "Sense of Congress" regarding the illegal importation of the drug Rohypnol; (2) permit the Secretary of Defense, notwithstanding any other provision of law, to adjust wage rates for civilian employees hired for certain health care occupations; (3) modify certain administrative provisions relating to the Indian Health Service; (4) modify certain administrative provisions relating to the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the National Institutes of Health, the Substance Abuse and Mental Health Services Administration, the Agency for Health Care Policy and Research, and the Health Care Financing Administration; (5) prohibit the use of appropriated funds for sterile needle distribution unless the Secretary of Health and Human Services determines that certain conditions exist; (6) prohibit the use of appropriated funds for embryo research; (7) restrict disbursement of Title X funding to applicants who encourage family participation in the decision of a minor to seek family planning services; (8) restrict the use of appropriated funds for employee training when such training, among other conditions, is objected to by employees; (9) relate to reimbursement of State expenses incurred in the provision of emergency medical services provided to illegal aliens; (10) relate to reimbursement of State expenses incurred in the provision of emergency ambulance services provided to illegal aliens; and (11) extend the waiver program relating to the foreign residency requirements of international medical graduates from Fiscal Year 1996 to Fiscal Year 2002.

*Legislative History*

H.R. 3610 was introduced in the House on June 11, 1996, by Mr. Young of Florida and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 104-617). On June 13, 1996, the House considered and passed H.R. 3610, amended, by a roll call vote of 278 yeas to 126 nays.

On June 14, 1996, H.R. 3610 was received in the Senate and referred to the Senate Committee on Appropriations. On June 20, 1996, the Senate Committee on Appropriations reported S. 1894, a companion bill, to the Senate (S. Rpt. 104-286). The Senate considered S. 1894 on July 11, July 17, and July 18, 1996. On July 18, 1996, the Committee on Appropriations was discharged from further consideration of H.R. 3610, and the bill was passed, by a roll call vote of 72 yeas to 27 nays, as amended with the text of S. 1894, as amended by the Senate. Subsequently, S. 1894 was returned to the Senate Calendar and no further action was taken on that bill. The Senate then insisted on its amendment to H.R. 3610, requested a conference with the House, and appointed conferees on July 18, 1996.

On July 30, 1996, the House disagreed to the Senate amendment to H.R. 3610, agreed to a conference with the Senate, and ap-

pointed conferees. The conference report on H.R. 3610 was filed in the House on September 28, 1996 (H. Rpt. 104-863). On September 28, 1996, the House agreed to the conference report on H.R. 3610 by roll call vote of 370 yeas to 37 nays. Pursuant to a unanimous consent agreement reached earlier that day, upon the adoption of the conference report on H.R. 3610, H.R. 4278, a bill making omnibus consolidated appropriations for the Fiscal Year ending September 30, 1997, was considered as passed. The text of H.R. 4278 was identical to the text contained in the conference report on H.R. 3610.

On September 30, 1996, the Senate considered and passed H.R. 4278 by a roll call vote of 84 yeas to 15 nays. Then Senate then agreed to the conference report on H.R. 3610 by a voice vote. On September 30, 1996, H.R. 3610 was presented to the President. On September 30, 1996, the President signed H.R. 3610 into law (P.L. 104-208).

## REPEAL OF AN UNNECESSARY MEDICAL DEVICE REPORTING REQUIREMENT

### Public Law 104-224 (H.R. 2366)

To repeal an unnecessary medical device reporting requirement.

*Summary*

H.R. 2366 repeals the Cardiac Pacemaker Registry, established in 1984 by Section 1862(h) of the Social Security Act (42 U.S.C. 1395y(h)), that requires doctors and hospitals receiving Medicare funds to provide information upon implantation, removal, or replacement of pacemaker devices and pacemaker leads. These requirements became redundant in 1990 with the enactment of amendments to the Federal Food, Drug, and Cosmetic Act that established a more comprehensive system for reporting on medical devices. H.R. 2366 eliminates an unnecessary burden on the health care system, the Health Care Financing Administration, and the Food and Drug Administration.

*Legislative History*

H.R. 2366 was introduced in the House by Mrs. Vucanovich and Mr. Waxman on September 19, 1995. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

On October 30, 1995, the Subcommittee on Health and Environment met in open markup session to consider H.R. 2366 and approved the bill for Full Committee consideration, without amendment, by a voice vote. On November 1, 1995, the Full Committee met in open markup session to consider H.R. 2366 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on Commerce reported H.R. 2366 to the House on November 7, 1995 (H. Rpt. 104-323, Part 1). The Committee on Ways and Means also reported H.R. 2366 to the House on November 7, 1995 (H. Rpt. 104-323, Part 2).

On November 14, 1995, the House considered H.R. 2366 on the Corrections Calendar and passed the bill by a voice vote. H.R. 2366 was received in the Senate on November 15, 1995, read twice, and

referred to the Senate Committee on Finance. On September 25, 1996, the Senate, by unanimous consent, discharged the Committee on Finance from further consideration of H.R. 2366. The Senate then proceeded to the immediate consideration of H.R. 2366 and passed the bill without amendment.

H.R. 2366 was presented to the President on September 26, 1996. The President signed H.R. 2366 into law on October 2, 1996 (P.L. 104-224).

## MEDICARE AND MEDICAID COVERAGE DATA BANK REPEAL

### Public Law 104-226 (H.R. 2685)

To repeal the Medicare and Medicaid Coverage Data Bank.

*Summary*

The Omnibus Budget Reconciliation Act of 1993 created the Medicare and Medicaid Data Bank for the purposes of identifying and collecting health insurance information from third parties responsible for payment of health care services. Under these provisions, employers are required to report certain information concerning employee health coverage to the Data Bank on an annual basis.

These provisions have been problematic from their inception. Employers have raised many concerns about the imposition of a reporting requirement regarding information that they normally do not collect. In May 1994, the General Accounting Office (GAO) released a report revealing the shortfalls of the Data Bank. The GAO concluded that it would increase record keeping for both the Health Care Financing Administration and employers, and pointed out that there is no evidence that the Data Bank would be more effective than the less costly data match program already in place.

Public Law 104-226 repeals the Medicare and Medicaid Coverage Data Bank.

*Legislative History*

H.R. 2685 was introduced in the House by Mr. Thomas and Mr. Bilirakis on November 29, 1995. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce. On December 11, 1995, the Committee on Ways and Means reported H.R. 2685 to the House (H. Rpt. 104-394, Part 1).

On December 21, 1995, the Chairman of the Committee on Commerce sent a letter to the Speaker waiving the Commerce Committee's right to mark up H.R. 2685, without prejudicing its jurisdiction, in order to expedite consideration of this legislation by the House. The Chairman's letter noted that repeal of the Medicare and Medicaid Coverage Data Bank was included in H.R. 2425, the Medicare Preservation Act of 1995, as reported to the House by the Committee on Commerce on October 16, 1995.

On December 22, 1995, the referral of H.R. 2685 to the Committee on Commerce was extended for a period ending not later than December 22, 1995. On December 22, 1995, the Committee on Commerce was discharged from further consideration of H.R. 2685.

On March 12, 1996, the House considered H.R. 2685 on the Corrections Calendar and passed the bill by a voice vote. H.R. 2685 was received in the Senate on March 13, 1996, read twice, and re-

ferred to the Senate Committee on Finance. On September 25, 1996, the Senate, by unanimous consent, discharged the Committee on Finance from further consideration of H.R. 2685. The Senate then proceeded to the immediate consideration of H.R. 2685 and passed the bill without amendment.

H.R. 2685 was presented to the President on September 26, 1996. The President signed H.R. 2685 into law on October 2, 1996 (P.L. 104-226).

### COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Public Law 104-237 (S. 1965, H.R. 3852)

To prevent the illegal manufacturing and use of methamphetamine

*Summary*

Public Law 104-237 increases the penalties for trafficking and manufacturing methamphetamine substances or other materials used to produce methamphetamines. The Act also establishes an interagency task force to design, implement, and evaluate methamphetamine education, prevention, and treatment practices.

*Legislative History*

S. 1965 was introduced in the Senate by Mr. Hatch on July 17, 1996, and ordered held at the desk. On August 2, 1996, S. 1965 was placed on the Senate Calendar. On September 17, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1965 and passed the bill, as amended. S. 1965 was received in the House on September 18, 1996, and held at the Speaker's desk.

On July 18, 1996, H.R. 3852, a companion bill to S. 1965, was introduced in the House by Mr. Heineman. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce. On September 25, 1996, the House began consideration of H.R. 3852 under Suspension of the Rules, thereby discharging the Committee on the Judiciary and the Committee on Commerce from further consideration of the legislation. On September 26, 1996, the House completed consideration of H.R. 3852 under Suspension of the Rules, and passed the bill by a roll call vote of 386 yeas to 34 nays. H.R. 3852 was received in the Senate on September 26, 1996. No further action was taken on H.R. 3852 in the 104th Congress.

On September 28, 1996, the House, by unanimous consent, took S. 1965 from the Speaker's desk and passed the bill without amendment.

S. 1965 was presented to the President on October 2, 1996. The President signed S. 1965 into law on October 3, 1996 (P.L. 104-237).

### COUNTY HEALTH ORGANIZATION MEDICAID EXEMPTION

Public Law 104-240 (H.R. 3056)

To permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements other-

wise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

*Summary*

H.R. 3056 amends Section 9517(c)(3)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as added by Section 4734 of the Omnibus Budget Reconciliation Act of 1990, to allow a health insuring organization to serve Medicaid beneficiaries residing in one or more counties. Existing statutory language concerning county organized health systems has been interpreted by the Health Care Financing Administration as limiting the number of counties in a State that may be served by such plans, rather than the number of plans that may operate within the State. The consequence of this interpretation has been to limit the coverage provided by a health insuring organization solely to the county in which it operates.

The Act clarifies that the existing statutory language does not limit the number of counties in which a health insuring organization may operate by defining an eligible health insuring organization as one that enrolls Medicaid beneficiaries residing in the county or counties in which it operates.

*Legislative History*

H.R. 3056 was introduced in the House by Mr. Riggs on March 7, 1996.

On July 24, 1996, without objection, the Full Committee proceeded to the immediate consideration of H.R. 3056, thereby discharging the Subcommittee on Health and Environment from further consideration, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3056 to the House on August 2, 1996 (H. Rpt. 104-751).

On September 10, 1996, the House considered H.R. 3056 on the Corrections Calendar and passed the bill by a voice vote. H.R. 3056 was received in the Senate on September 11, 1996, read twice, and referred to the Senate Committee on Finance. On September 25, 1996, the Senate, by unanimous consent, discharged the Committee on Finance from further consideration of H.R. 3056. The Senate then proceeded to the immediate consideration of H.R. 3056 and passed the bill without amendment.

H.R. 3056 was presented to the President on September 26, 1996. The President signed H.R. 3056 into law on October 8, 1996 (P.L. 104-240).

## MEDICAID TECHNICAL CORRECTIONS RELATING TO PHYSICIANS' SERVICES

### Public Law 104-248 (H.R. 1791)

To amend Title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

*Summary*

H.R. 1791 makes technical corrections to Title XIX of the Social Security Act relating to payments for physician services in the

Medicaid Program. In the Omnibus Budget Reconciliation Act of 1990, because of an unintentional omission, osteopathic physicians certified by the boards recognized by the American Osteopathic Association were not included in provisions concerning Medicaid reimbursement for services furnished to children and pregnant women.

This Act corrects this omission by adding two new sections. The first section provides that Medicaid can pay for services provided to children by physicians who are certified in family practice or pediatrics by a medical specialty board recognized by the American Osteopathic Association. The second section provides that Medicaid can pay for services provided to pregnant women by physicians certified in family practice or obstetrics by a medical specialty board recognized by the American Osteopathic Association.

*Legislative History*

H.R. 1791 was introduced in the House on June 8, 1995, by Representatives Barton of Texas, Coleman, Greenwood, Ackerman, Pryce, Dingell, Leach, Levin, Emerson, Skelton, Upton, Jacobs, Kim, Rahall, Kildee, Deutsch, Smith of New Jersey, Bryant of Texas, Stupak, Barcia of Michigan, Frost, and Brown of Ohio.

On September 19, 1996, by unanimous consent, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 1791. The Full Committee then considered H.R. 1791 in an open markup session and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 1791 to the House on September 24, 1996 (H. Rpt. 104-826).

On September 24, 1996, the House considered H.R. 1791 under Suspension of the Rules and passed the bill, as amended, by a voice vote. H.R. 1791 was received in the Senate on September 25, 1996, and read twice. On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1791 and passed the bill without amendment.

H.R. 1791 was presented to the President on September 30, 1996. The President signed H.R. 1791 into law on October 9, 1996 (P.L. 104-248).

## ANIMAL DRUG AVAILABILITY ACT OF 1996

### Public Law 104-250 (H.R. 2508, S. 773)

To amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

*Summary*

The purpose of H.R. 2508 is to facilitate the approval and marketing of new animal drugs and medicated feeds. It builds needed flexibility into the Food and Drug Administration (FDA) animal drug review processes to enable more efficient approval and more expeditious marketing of safe and effective animal drugs. The Act accomplishes this without decreasing FDA's existing authority to ensure that animal drug products are safe for the animals that use them and for the humans who consume animal food products.

By redefining "substantial evidence," H.R. 2508 provides FDA with greater flexibility to determine what types of studies, includ-

ing field investigations, are necessary and appropriate for demonstrating the effectiveness of any specific animal drug product. The Act requires FDA to issue regulations defining substantial evidence and the parameters of adequate and well-controlled field investigations. Such regulations must take into account the practical conditions that exist in the field. The Act also requires FDA to hold a presubmission conference at the request of a sponsor submitting a new animal drug application or a request for an investigational exemption.

H.R. 2508 creates a streamlined process for the approval of combination animal drug products when the individual active ingredients or animal drugs used in combination have been approved previously for the particular uses and conditions of use for which they are intended for use in combination. It also authorizes FDA to establish a scientifically based safe tolerance for residues of new animal drugs.

The Act creates a new class of animal drugs, veterinary feed directive drugs, intended for use in feed under the professional supervision of a licensed veterinarian. The Act eliminates the requirement for feed mills to submit individual medicated feed applications to manufacture certain medicated feeds and allows any medicated feed containing an approved new animal drug to be manufactured at a licensed facility. Finally, H.R. 2508 authorizes FDA to establish import tolerances for new animal drugs not approved in the United States.

*Legislative History*

H.R. 2508 was introduced in the House on October 19, 1995, by Mr. Allard and 71 cosponsors and referred to the Committee on Commerce.

On February 27, 1996, the Subcommittee on Health and Environment held a hearing on "The Need for FDA Reform" and received testimony relating to animal drugs from a veterinary expert and an industry representative. On May 1 and May 2, 1996, the Subcommittee on Health and Environment held hearings on bills relating to FDA reform that contained legislative language substantially similar to H.R. 2508 and received testimony regarding these provisions from FDA officials and a representative of an animal health coalition.

On September 19, 1996, the Full Committee met in open markup session and, by unanimous consent, discharged the Subcommittee on Health and Environment from further consideration of H.R. 2508. The Full Committee then considered H.R. 2508 and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2508 to the House on September 25, 1996 (H. Rpt. 104-823).

On September 24, 1996, the House considered H.R. 2508 under Suspension of the Rules and passed the bill by a voice vote. On September 24, 1996, H.R. 2508 was received in the Senate.

S. 773, a companion bill to H.R. 2508, was introduced in the Senate on May 9, 1995, by Senators Kassebaum, Gregg, Gorton, Coats, Jeffords, Frist, Harkin, Craig, Lugar, Inhofe, Grassley, McConnell, Kyl, Santorum, Heflin, Bond, Pryor, Kerrey, Bennett, and Helms, and referred to the Senate Committee on Labor and Human Re-

sources. On September 24, 1996, the Senate, by unanimous consent, discharged the Committee on Labor and Human Resources from further consideration of S. 773. The Senate then proceeded to the immediate consideration of S. 773 and passed the bill without amendment. S. 773 was received in the House on September 26, 1996, and held at the Speaker's desk. No further action was taken on S. 773 in the 104th Congress.

On September 25, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2508 and passed the bill without amendment.

H.R. 2508 was presented to the President on September 28, 1996. The President signed H.R. 2508 into law on October 9, 1996 (P.L. 104-250).

## TRAFFIC SIGNAL SYNCHRONIZATION

### Public Law 104-260 (H.R. 2988)

To amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules.

*Summary*

The Clean Air Act requires that nearly all transportation projects be reviewed to determine if they "conform" to a State's implementation plan for attaining or maintaining the national ambient air quality standards. These projects include traffic synchronization projects, even though most, if not all, synchronization projects typically result in fewer vehicle accelerations and decelerations and thus lower vehicle emissions. A State's review, or conformity determination, can, in some cases, take up to a year to complete, thus significantly delaying the implementation of a traffic signal synchronization project. Because synchronization often results in lower vehicle emissions, such a delay can result in higher vehicle emissions than would otherwise be the case if a synchronization project proceeds immediately.

H.R. 2988 allows synchronization projects to proceed at the earliest opportunity, before conformity determinations are made. However, nothing in H.R. 2988 relieves a jurisdiction from its responsibility to subject the synchronization project to a regional emissions analysis at a later date, if such project would normally be subject to such an analysis. Consequently, the emissions impact of a synchronization project—whether the project increases or decreases emissions—will be considered in subsequent conformity determinations.

*Legislative History*

On February 28, 1996, Mr. McKeon introduced H.R. 2988 in the House.

On September 18, 1996, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 2988 by unanimous consent. The Full Committee then considered H.R. 2988 in open markup session and ordered the bill reported to the House, as amended, by voice vote. The Committee reported H.R. 2988 to the House on the same day (H. Rpt. 104-807).

On September 24, 1996, the House considered H.R. 2988 on the Corrections Day Calendar and passed the bill, as amended, by a voice vote. On September 24, 1996, H.R. 2988 was received in the Senate.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2988 and passed the bill without amendment.

H.R. 2988 was presented to the President on September 30, 1996. The President signed H.R. 2988 into law on October 9, 1996 (P.L. 104-260).

## FEDERAL AVIATION REAUTHORIZATION ACT OF 1996

### Public Law 104-264 (H.R. 3539, S. 1994)

### (Aircraft Emission Standards)

To amend Title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

*Summary*

Public Law 104-264, the Federal Aviation Reauthorization Act of 1996, reauthorized several Federal Aviation Administration (FAA) programs, including administrative operations, air navigation facilities, research and development, and the airport improvement program. The legislation also contains an extension of the Airport and Airway Trust Fund expenditure authority, provisions on commercial space transportation, the Air Traffic Management System, and aviation security and safety.

Section 406 of Public Law 104-264 contains provisions dealing with the establishment of aircraft emission standards, which fall within the jurisdiction of the Committee on Commerce. Aircraft emission standards are established under Section 231(a)(2) of the Clean Air Act (42 U.S.C. 7401 et seq.).

Section 406(b) of Public Law 104-264 amends Section 231(a)(2) of the Clean Air Act to provide that the Administrator of the Environmental Protection Agency (EPA) shall consult with the Administrator of the Federal Aviation Administrator on aircraft emission standards and that the EPA Administrator shall not change such standards if such changes would significantly increase costs and adversely affect safety.

*Legislative History*

On May 29, 1996, H.R. 3539 was introduced in the House by Representatives Shuster, Duncan, Oberstar, and Lipinski. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means and the Committee on Rules.

On July 26, 1996, the Committee on Transportation and Infrastructure reported H.R. 3539 to the House (H. Rpt. 104-714, Part 1). On July 26, 1996, the Committee on Rules was discharged from further consideration of H.R. 3539. On that same date, the referral of H.R. 3539 to the Committee on Ways and Means was extended for a period ending not later than July 29, 1996. On July 29, 1996, the referral of the bill to the Committee on Ways and Means was

extended for a period ending not later than July 30, 1996. On July 30, 1996, the Committee on Ways and Means was discharged from further consideration.

The House considered H.R. 3539 under Suspension of the Rules on September 10 and September 11, 1996; on September 11, 1996, the House passed H.R. 3539 by a roll call vote of 398 yeas to 17 nays. H.R. 3539 was received in the Senate on September 12, 1996, read twice, and placed on the Senate Calendar.

On July 26, 1996, Mr. Pressler introduced S. 1994, a companion bill to H.R. 3539, in the Senate as an original measure reported by the Senate Committee on Commerce, Science, and Transportation on that same date (S. Rpt. 104-333).

The Senate considered S. 1994 on September 17 and September 18, 1996. On September 18, 1996, the Senate took H.R. 3539 from the Senate Calendar and, by a roll call vote of 99 yeas to 0 nays, passed H.R. 3539, as amended by striking all after the enacting clause and inserting in lieu thereof the text of S. 1994 as amended by the Senate. S. 1994 was then returned to the Senate Calendar and no further action was taken on that bill in the 104th Congress.

The Senate insisted on its amendment to H.R. 3539, requested a conference with the House, and appointed conferees on September 18, 1996. On September 24, 1996, the House disagreed to the Senate amendment, agreed to a conference with the Senate, and appointed conferees.

As passed by the Senate, Section 631 of H.R. 3539 would have conveyed to the Administrator of the Federal Aviation Administration, within the Federal Aviation Administration Act (49 USC 1301 et seq.), certain new authority over aircraft emission standards. This provision was duplicative and potentially inconsistent with the Environmental Protection Agency's existing authority under section 231 of the Clean Air Act to establish aircraft engine emission standards (42 USC 7401 et seq.). Since there was no comparable House provision within H.R. 3539, this item became an issue in disagreement between the House and the Senate conferees appointed to consider H.R. 3539.

Following Senate approval of H.R. 3539, the Chairman of the Committee on Commerce sent a letter to the Speaker on September 24, 1996, asserting the Commerce Committee's jurisdiction with respect to Section 631. The Committee on Commerce then worked with House conferees to make changes to Section 631 reflecting the Committee's jurisdictional and legislative interests. These changes were incorporated into Section 406 of the conference report on H.R. 3539 (H. Rpt. 104-848).

The conference report on H.R. 3539 was filed in the House on September 26, 1996 (H. Rpt. 104-848). The House agreed to the conference report on H.R. 3539 on September 27, 1996, by a roll call vote of 218 yeas to 198 nays. The Senate considered the conference report on H.R. 3539 on September 30, October 1, October 2, and October 3, 1996. On October 3, 1996, the Senate agreed to the conference report by a roll call vote of 92 yeas to 2 nays.

H.R. 3539 was presented to the President on October 4, 1996. The President signed H.R. 3539 into law on October 9, 1996 (P.L. 104-264).

## WAIVER OF 75/25 MEDICAID ENROLLMENT RULE FOR CERTAIN MANAGED CARE ORGANIZATIONS

### Public Law 104-267 (H.R. 3871)

To waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

*Summary*

Public Law 104-267 extends three existing waivers of Section 1903(m)(2)(A)(ii) of the Social Security Act. Section 1903(m)(2)(A)(ii) requires that Medicaid beneficiaries constitute less than 75 percent of the membership of any prepaid health maintenance organization. This requirement, designed to serve as a proxy for a plan's quality of care, can be a difficult problem for some health plans that operate in low-income communities and serve Medicaid recipients. Although such plans have achieved success in enhancing the quality of care received by Medicaid beneficiaries, they have been less successful in attracting commercial clients from outlying areas. The requirement that one-quarter of their enrolled population consist of such customers, therefore, often places them in the difficult position of having to choose between devoting resources to their Medicaid-funded enrollees or to the expense of competing against broader-based firms for commercial clients.

In light of these problems, a number of similarly situated health plans are currently operating under Federally approved waivers of this section. Three of these plans—Health Partners of Philadelphia, Inc.; Fidelis Health Plan of New York; and Managed Healthcare Systems of New York, Inc.—are granted extensions of the waiver of the so-called "75-25 rule" by this Act.

*Legislative History*

H.R. 3871 was introduced in the House by Representatives Towns, Greenwood, and Franks of Connecticut on July 23, 1996.

On July 24, 1996, without objection, the Full Committee, in an open markup session, proceeded to the immediate consideration of H.R. 3871 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3871 to the House on August 2, 1996 (H. Rpt. 104-752).

On September 4, 1996, the House considered H.R. 3871 under Suspension of the Rules and passed the bill, without amendment, by a voice vote. H.R. 3871 was received in the Senate on September 5, 1996, read twice, and referred to the Senate Committee on Finance. On September 28 1996, the Senate, by unanimous consent, discharged the Committee on Finance from further consideration of H.R. 3871. The Senate then proceeded to the immediate consideration of H.R. 3871 and passed the bill without amendment.

H.R. 3871 was presented to the President on September 30, 1996. The President signed H.R. 3871 into law on October 9, 1996 (P.L. 104-267).

## HEALTH CENTERS CONSOLIDATION ACT OF 1996

### Public Law 104-299 (S. 1044)

To amend Title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

*Summary*

S. 1044 consolidates the authority for four health centers programs—community, migrant, homeless, and public housing—and authorizes it through Fiscal Year 2001. Funding for Fiscal Year 1997 is authorized at $802 million, the amount provided in the FY 1997 House passed Labor-HHS Appropriations bill. Consolidating these program eliminates duplication while maintaining their unique functions.

*Legislative History*

On July 17, 1995, S. 1044 was introduced in the Senate by Senators Kassebaum, Kennedy, Jeffords, Pell, and Simon, and referred to the Senate Committee on Labor and Human Resources. On December 15, 1995, the Senate Committee on Labor and Human Resources reported S. 1044 to the Senate (S. Rpt. 104-186).

On August 1, 1996, the Subcommittee on Health and Environment held a hearing on the Reauthorization of Existing Public Health Service Act Programs. Programs examined were Community Health Centers, Migrant Health Centers, Health Care for the Homeless, Health Services for Residents of Public Housing, and programs of the Substance Abuse and Mental Health Services Administration (SAMHSA). Witnesses included representatives from the Department of Health and Human Services (HHS), health networks, community groups, and State directors of alcohol/drug abuse and mental health programs.

On September 20, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1044 and passed the bill, as amended. S. 1044 was received in the House on September 24, 1996, and held at the Speaker's desk. On September 27, 1996, the House considered S. 1044 under Suspension of the Rules and passed the bill, without amendment, by a voice vote.

On October 2, 1996, S. 1044 was presented to the President. The President signed S. 1044 into law on October 11, 1996 (P.L. 104-299).

## DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

### Public Law 104-305 (H.R. 4137)

To combat drug-facilitated crimes of violence, including sexual assaults.

*Summary*

H.R. 4137 amends the Controlled Substances Act to impose stiff penalties for the unlawful distribution and trafficking of flunitrazepam, commonly known as Rohypnol. H.R. 4137 also directs the Administrator of the Drug Enforcement Administration

to: (1) conduct a thorough study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act and (2) report the results of such study, and any recommendations, to Congress, within 180 days after the date of enactment.

*Legislative History*

On September 24, 1996, H.R. 4137 was introduced in the House by Mr. Solomon and 31 cosponsors. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

On September 25, 1996, the House began consideration of H.R. 4137 under Suspension of the Rules, thereby discharging the Committee on the Judiciary and the Committee on Commerce from further consideration of the legislation. On September 26, 1996, the House completed consideration of H.R. 4137 under Suspension of the Rules, and passed the bill by a roll call vote of 421 yeas to 1 nay. H.R. 4137 was received in the Senate on September 26, 1996, and held at the desk.

On October 3, 1996, the Senate, by unanimous consent, took H.R. 4137 from the desk, proceeded to the immediate consideration of the bill, and passed H.R. 4137, as amended.

On October 4, 1996, the House, by unanimous consent, agreed to H.R. 4137 as amended by the Senate.

H.R. 4137 was presented to the President on October 10, 1996. The President signed H.R. 4137 into law on October 13, 1996 (P.L. 104-305).

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

### Public Law 104-313 (H.R. 3378)

To amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

*Summary*

H.R. 3378 amends the Indian Health Care Improvement Act to extend the existing demonstration program for direct billing of Medicare, Medicaid, and other third party payors. This program, which was scheduled to expire on September 30, 1996, is extended by this measure to September 30, 1998. The Act also makes technical corrections to the Indian Health Care Improvement Act, including a clarification with respect to the Indian Health Scholarship Program. Finally, H.R. 3871 reauthorizes several demonstration programs through the year 2000.

*Legislative History*

On May 1, 1996, H.R. 3378 was introduced in the House by Mr. Young of Alaska. The bill was referred to the Committee on Resources, and in addition to the Committee on Commerce. On June 19, 1996, the Committee on Resources ordered H.R. 3378 reported to the House, without amendment, by a voice vote.

On August 1, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Resources

indicating concerns with moving H.R. 3378 separately instead of dealing with the issues contained therein in a comprehensive Medicaid reform bill. The Chairman further stated, however, that the Committee on Commerce had reviewed the action taken by the Resources Committee, and in order to expedite consideration of this measure by the House, the Committee on Commerce would agree to be discharged from further consideration of H.R. 3378, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On August 1, 1996, the Chairman of the Committee on Resources sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 3378 and the Commerce Committee's prerogatives with respect to this bill.

On August 1, 1996, the Committee on Resources reported H.R. 3378 to the House (H. Rpt. 104-742, Part 1). On that same day, the Committee on Commerce was discharged from further consideration of the bill.

The House considered H.R. 3378 under Suspension of the Rules on September 4, 1996, and passed the bill, without amendment, by a voice vote. H.R. 3378 was received in the Senate on September 5, 1996, read twice, and placed on the Senate Calendar.

On September 19, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3378, and passed the bill, as amended.

On September 27, 1996, the House considered H. Res. 544, a resolution providing for the concurrence of the House to the Senate amendment to H.R. 3378 with an amendment, under Suspension of the Rules, and passed the resolution by a voice vote. The amendment adopted by the House in H. Res. 544 represented a consensus agreement that was reached by the Committee on Commerce, the House Committee on Resources, and the Senate Committee on Indian Affairs.

On October 3, 1996, the Senate, by unanimous consent, agreed to the House amendment to the Senate amendment to H.R. 3378 and cleared the bill for the President.

On October 10, 1996, H.R. 3378 was presented to the President. The President signed H.R. 3378 into law on October 19, 1996 (P.L. 104-313).

## CHANGE IN MEDICAID NURSING FACILITY RESIDENT REVIEW REQUIREMENTS

### Public Law 104-315 (H.R. 3632)

To amend Title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

*Summary*

Public Law 104-315 repeals the requirement for an annual resident review for residents in nursing facilities in Title XIX of the Social Security Act. Instead, it requires that a nursing facility no-

tify the State mental health or mental retardation authority of a significant change in a resident's mental or physical condition. It also requires a review and assessment of the resident promptly after the State authority has been notified.

*Legislative History*

On June 12, 1996, H.R. 3632 was introduced in the House by Mr. Ehrlich.

On September 18, 1996, the Subcommittee on Health and Environment was discharged from further consideration of H.R. 3632 by unanimous consent. The Full Committee then considered H.R. 3632 in open markup session and ordered the bill reported to the House, by voice vote. The Committee reported H.R. 3632 to the House on September 23, 1996 (H. Rpt. 104-817).

On September 28, 1996, the House considered H.R. 3632 under Suspension of the Rules and passed the bill, by a voice vote. On September 28, 1996, H.R. 3632 was received in the Senate. On October 3, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3632 and passed the bill without amendment.

H.R. 3632 was presented to the President on October 10, 1996. The President signed H.R. 3632 into law on October 19, 1996 (P.L. 104-315).

## BALANCED BUDGET ACT OF 1995

(H.R. 2491)

(Title VII—Transformation of the Medicaid Program)

(Title VIII—Medicare Preservation Act)

To provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for Fiscal Year 1996.

*Summary*

Title VII of H.R. 2491, the Balanced Budget Act of 1995, as presented to the President, contains provisions relating to the Medicaid Program, which fall within the jurisdiction of the Committee on Commerce. Title VIII of H.R. 2491, as presented to the President, contains provisions which fall within the jurisdiction of the Committee on Commerce with respect to the Medicare Program.

*Title VII—Transformation of the Medicaid Program*

Title VII of H.R. 2491 amends the Social Security Act by repealing Title XIX and creating a new Title XXI to provide block grants to the States to enable them to provide medical assistance to low-income individuals and families.

The purpose of Title VII is to provide matching block grants to the States to enable them to provide medical assistance to low-income individuals and families in a manner some believe will be more effective, efficient, and responsive. Title VII replaces the financing and operational structure of the Medicaid program (Title XIX) with the MediGrant program (Title XXI), which provides block grants and administrative flexibility to the States.

In addition to establishing appropriations authority, the legislation sets forth the following provisions:

- Requires that the Secretary of Health and Human Services issue regulations establishing State enforceable procedures governing State eligibility, receipt and use of funds, audit and review, and quality assurance;
- Requires submission, review, and subsequent approval of any changes sought by States to their medical assistance plans;
- Requires the States to set aside funding for the benefit of low-income families, elderly, qualified Medicare beneficiaries, the disabled, and certain health centers;
- Requires the States to provide medical assistance coverage to pregnant women and children under age 13 whose family income does not exceed the poverty line and to the disabled (as defined by the States);
- Requires the States to include childhood immunization coverage and prepregnancy planning services and supplies in the benefits provided to eligible recipients;
- Requires the Secretary of Health and Human Services to distribute all available funds to the States and territories through a specified funding formula reflecting demographic and health care service delivery conditions in the States;
- Requires consultation by the Secretary of Health and Human Services with the General Accounting Office in the preparation of annual updates to the block grant funding formula; and
- Requires the Secretary of Health and Human Services to conduct demonstration projects with participating States that will enable States to develop cost-effective mechanisms for the delivery of services to chronically ill elderly and disabled beneficiaries.

*Title VIII—Medicare Preservation Act*

In addition to proposing new approaches to financing for Medicare, Title VIII of H.R. 2491 provides Medicare beneficiaries with the new options with respect to purchasing or obtaining health insurance. Those options are related to approaches now taken by some employers in providing employee health benefits. Medicare enrollees may remain in traditional fee-for-service Medicare, or choose health products such as the following: (a) Physician-Hospital Sponsored Organizations; (b) Preferred Provider Networks; (c) Health Maintenance Organizations with and without Point of Service options; (d) Medical Savings Accounts; and (e) new private Indemnity Insurance products.

H.R. 2491 revises the payment policies for items and services covered under Medicare including hospitals, skilled nursing facilities, graduate medical education, physicians, and durable medical equipment. In addition, the legislation would establish a prospective payment system for home health services. The bill also would set the Part B premium permanently at 31.5 percent of program costs, beginning in 1996.

The legislation includes several provisions related to fraud and abuse. For example, the bill increases Medicare's ability to prevent payments for fraudulent, abusive, or erroneous claims, and to identify billing schemes early to avoid large losses, through the estab-

lishment of the "Medicare Integrity Program." Increased funding is authorized for anti-fraud and abuse activities for the FBI and the Department of Health and Human Services Inspector General. Fraud and abuse activities will be coordinated through a national health care fraud and abuse control program. The bill also creates new health care fraud offenses and clarifies existing statutes.

The bill provides an exemption from Federal and State antitrust laws for certain health care service activities.

*Legislative History*

The Subcommittee on Health and Environment held six hearings in the 104th Congress on the Transformation of the Medicaid Program and related Medicaid issues, including the Vaccines for Children Program. The hearing dates were June 8, 1995; June 15, 1995; June 21, 1995; June 22, 1995; July 26, 1995; and August 1, 1995.

Testimony at these hearings was received from 64 witnesses, including Governors, Members of Congress and representatives of the Administration, State health care administrations, health care professionals, the health care industry, and persons served by the Medicaid program.

On June 8, 1995, the Subcommittee heard testimony from five State Governors concerning administration of the Medicaid Program.

On June 15, 1995, testimony was received from representatives of the Centers for Disease Control and Prevention, industry representatives, and health care providers on the subject of the Vaccines for Children Program.

On June 21, 1995, the Subcommittee received testimony from representatives of the Health Care Financing Administration, the Congressional Budget Office, and academic groups on the subject of Medicaid.

On June 22, 1995, a Health Care Financing Administration representative, representatives from State Medicaid bureaus, and local industry and academic representatives testified on the subject of Medicaid from the State perspective.

Subcommittee testimony on July 26, 1995, focused on Medicaid from the State and local provider perspective, and was presented by elected State representatives and health plan officials.

On August 1, 1995, health care providers and beneficiary representatives presented a variety of perspectives on the Medicaid program.

On September 20, September 21, and September 22, 1995, the Full Committee considered a Committee Print entitled "Transformation of the Medicaid Program." On September 22, 1995, the Full Committee approved the Committee Print, as amended, for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995, by a roll call vote of 27 yeas to 18 nays.

The provisions of this Committee Print were included in the text of Title XVI of H.R. 2491 as reported to the House by the Committee on the Budget on October 17, 1995 (H. Rpt. 104-280, Volumes I and II). Title XV of H.R. 2491 as reported to the House by the Committee on the Budget also included the provisions of H.R. 2425,

the Medicare Preservation Act of 1995, as reported by the Committee on Commerce and the Committee on Ways and Means. For the legislative history of that bill, see the discussion of the Medicare Preservation Act of 1995 (H.R. 2425) in this section.

The House considered H.R. 2491 on October 25 and October 26, 1995, and passed the bill on October 26, 1995, by a roll call vote of 227 yeas to 203 nays. H.R. 2491 was received in the Senate on October 27, 1995, read twice, and placed on the Senate Calendar. The Senate passed H.R. 2491, as amended, by a roll call vote of 52 yeas to 47 nays, on October 28, 1995. On October 30, 1995, the House disagreed to the Senate amendments, requested a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The Senate insisted on its amendments, agreed to a conference with the House, and appointed conferees on November 13, 1995.

On November 15, 1995, the conference report was filed in the House (H. Rpt. 104-347). On November 17, 1995, the House passed H. Res. 272 which vacated the proceedings with respect to H. Rpt. 104-347, and the conference report was refiled in the House as H. Rpt. 104-350. Certain provisions were deleted from the final legislation because of assertions by the Senate conferees that consideration of these provisions was prohibited by Section 313(b) of the Congressional Budget Act.

The House agreed to the conference report on November 17, 1995, by a roll call vote of 237 yeas to 189 nays. On November 17, 1995, the Senate sustained a point of order against the conference report, as being in violation of the Congressional Budget Act with respect to consideration of Section 1853(f) of the Social Security Act as added by Section 8001 of the conference report and Section 13301 of Subtitle M of Title XIII of the conference report. The Senate then, by a roll call vote of 52 yeas to 47 nays, receded from its amendment to H.R. 2491 and concurred therein with a further amendment consisting of the text of the conference report (H. Rpt. 104-350), excluding the provisions stricken on the point of order. On November 20, 1995, the House agreed to the Senate amendment by a roll call vote of 235 yeas to 192 nays and cleared the measure for the President.

H.R. 2491 was presented to the President on November 30, 1995. On December 6, 1995, the President vetoed H.R. 2491 and returned the bill to the House (H. Doc. 104-141). The veto message and the accompanying bill were referred to the Committee on the Budget on December 6, 1995.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

### (H.R. 1530, S. 1026)

### (Health Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

H.R. 1530 as presented to the President included a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with health related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the conference negotiations which led to the agreements contained in H.R. 1530.

These provisions include: (1) Section 601, which provides a pay raise of 2.4 percent for members of the uniformed services, including members of the Public Health Service Commissioned Corps; and (2) Section 718, which contains a "Sense of Congress" resolution regarding access to health care under the Department of Defense's TRICARE program for covered beneficiaries eligible for Medicare. The Committee on Commerce supported the inclusion of both of these provisions in the legislation.

*Legislative History*

H.R. 1530 was introduced in the House by Mr. Spence and Mr. Dellums on May 2, 1995, and referred to the Committee on National Security. The Committee on National Security reported the bill to the House on June 1, 1995 (H. Rpt. 104-131).

The House considered H.R. 1530 on June 13, June 14, and June 15, 1995; on June 15, 1995, the House passed H.R. 1530, as amended, by a roll call vote of 300 yeas to 126 nays. H.R. 1530, as passed by the House, was received in the Senate and referred to the Senate Committee on Armed Services on June 20, 1995.

On July 12, 1995, the Senate Committee on Armed Services reported a companion bill, S. 1026, to the Senate (S. Rpt. 104-112). The Senate considered S. 1026 on August 2, August 3, August 4, August 5, August 9, September 5, and September 6, 1995. On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. The Senate insisted on its amendment to H.R. 1530 and requested a conference with the House. Senate conferees were appointed on September 8, 1995.

On September 21, 1995, the House disagreed to the Senate amendment to H.R. 1530, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 1530 was filed in the House on December 13, 1995 (H. Rpt. 104-406). The House agreed to the conference report, by a roll call vote of 267 yeas to 149 nays, on December 15, 1995. The Senate agreed to the conference report, by a roll call vote of 51 yeas to 43 nays on December 19, 1995. The bill was presented to the President on December 22, 1995.

On December 28, 1995, the President vetoed H.R. 1530. On January 3, 1996, the veto message on H.R. 1530 was received and read in the House (H. Doc. 104-155). The House then considered H.R. 1530 and failed to pass the bill, the objections of the President to the contrary notwithstanding, by a roll call vote of 240 yeas to 156

nays. The veto message and the accompanying bill were referred to the Committee on National Security on January 3, 1996.

Subsequently, the House and Senate passed S. 1124, which was signed into law by the President on February 10, 1996 (Public Law 104-106). For the legislative history of S. 1124, see the discussion of that bill in this section.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1995

(H.R. 4, H.R. 1214)

(Health Related Provisions)

To restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

*Summary*

The purpose of H.R. 4 is to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence. As presented to the President, H.R. 4 included a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with health related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the conference negotiations which led to the agreements contained in H.R. 4.

Specifically, H.R. 4 converts the current Aid to Families with Dependent Children (AFDC) program into a block grant program with specified work, job search, and education and training requirements designed to increase State flexibility in providing time-limited assistance and support services (including birth control and child care services) to needy families to enable them to leave the program and become self-sufficient. The bill allows States maximum flexibility in developing child care programs and policies to address the needs of children and parents within each State. It also restricts welfare and public benefits for aliens in accordance with national immigration policy.

H.R. 4 also includes provisions to: (1) amend the Food Stamp program and the process for food assistance commodity distribution; (2) amend the Supplemental Security Income (SSI) program to deny SSI by reason of disability to drug addicts and alcoholics; (3) revise the provision of cash benefits for children with disabilities; (4) reform the maintenance of effort requirements applicable to optional State programs for supplementation of SSI benefits; and (5) strengthen child support and paternity establishment program requirements.

*Legislative History*

H.R. 4 was introduced in the House on January 4, 1995, by Representatives Shaw, Talent, and LaTourette (for themselves) and 109 cosponsors. H.R. 4 was referred, by title, to the following Committees: the Committee on Agriculture; the Committee on Banking and Financial Services; the Committee on the Budget; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on the Judiciary; the Committee on Rules; and the Committee on Ways and Means. Titles IV and VIII

of H.R. 4 were referred to the Committee on Commerce and other Committees.

On January 13, 1995, H.R. 4 was referred to the Subcommittee on Energy and Power and the Subcommittee on Health and Environment for a period ending not later than February 17, 1995. On February 17, 1995, the Subcommittee on Energy and Power and the Subcommittee on Health and Environment were discharged from further consideration of H.R. 4.

On March 15, 1995, the Chairman of the Committee on Commerce sent a letter to the Speaker waiving the Commerce Committee's right to mark up H.R. 4 and H.R. 1214, a similar bill, without prejudicing its jurisdiction, in order to expedite consideration of this legislation by the House.

On March 21, 1995, the House adopted H. Res. 117, which provided for general debate in the House on H.R. 4. On March 22, 1995, the House passed H. Res. 119, which provided that an amendment in the nature of a substitute consisting of the text of H.R. 1214 be considered as adopted, and that H.R. 4, as so amended, be considered as the original bill for purposes of further amendment. Pursuant to the provisions of these two resolutions, the House considered H.R. 4 on March 21, March 22, March 23, and March 24, 1995. On March 24, 1995, the House passed H.R. 4 by a roll call vote of 234 yeas to 199 nays.

H.R. 4, as passed by the House, was received in the Senate and referred to the Senate Committee on Finance on March 29, 1995. On June 9, 1995, the Committee on Finance reported H.R. 4 to the Senate (S. Rpt. 104-96). The Senate considered H.R. 4 on August 5, August 7, August 8, August 11, September 6, September 7, September 8, September 11, September 12, September 13, September 14, September 15, and September 19, 1995. On September 19, 1995, the Senate passed H.R. 4, as amended, by a roll call vote of 87 yeas to 12 nays. The Senate insisted on its amendments and requested a conference with the House.

On September 29, 1995, the House disagreed to the Senate amendments to H.R. 4, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On October 17, 1995, the Senate appointed conferees. The House appointed additional conferees on October 24, 1995.

The conference report on H.R. 4 was filed in the House on December 20, 1995 (H. Rpt. 104-430). The House agreed to the conference report, by a roll call vote of 245 yeas to 178 nays, on December 21, 1995. The Senate agreed to the conference report, by a roll call vote of 52 yeas to 47 nays, on December 22, 1995. The bill was presented to the President on December 29, 1995.

On January 9, 1996, the President vetoed H.R. 4. On January 22, 1996, the veto message on H.R. 4 was received in the House (H. Doc. 104-164). The veto message and the accompanying bill were referred to the Committee on Ways and Means on January 22, 1996.

RISK ASSESSMENT AND COST BENEFIT ACT OF 1995

(H.R. 1022)

To provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes.

*Summary*

H.R. 1022 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety, or the environment. Title I of the Risk Assessment and Cost-Benefit Act provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Title II requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating new major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and nonquantifiable. To the extent provisions of existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of H.R. 1022 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Title III requires independent peer review of certain major risk or economic assessments. Title IV clarifies the mechanism for judicial review. Title V requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, Title VI requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On February 23, 1995, Mr. Walker and Mr. Bliley introduced H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. This bill represented a compromise agreement developed by the Committee on Commerce and the Committee on Science with respect to their differing versions of Title III of H.R. 9.

H.R. 1022 was referred to the Committee on Science, and in addition to the Committee on Commerce. On February 27, 1995, the House passed H. Res. 96 providing for the consideration of H.R. 1022 by the House. The House considered H.R. 1022 on February 27 and February 28, 1995. On February 28, 1995, the House passed H.R. 1022, as amended, by a roll call vote of 286 yeas to 141 nays.

H.R. 1022, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 2, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

On March 3, 1995, the House considered H.R. 9, and struck all after the enacting clause and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 9, see the discussion of the Job Creation and Wage Enhancement Act of 1995 in this section.

JOB CREATION AND WAGE ENHANCEMENT ACT OF 1995

(Division D of H.R. 9—Risk Assessment and Cost-Benefit Act)

To create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials.

*Summary*

As passed by the House, Division D of H.R. 9 contains the text of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995, which passed the House on February 28, 1995. Division D of H.R. 9 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety or the environment. First, Division D provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Second, it requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and non-quantifiable. To the extent provisions of existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of Division D of H.R. 9 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Third, it requires independent peer review of certain major risk or economic assessments. Fourth, it clarifies the mechanism for judicial review. Fifth, it requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, it requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On January 4, 1995, Representatives Archer, DeLay, Saxton, Smith of Washington, Tauzin, and 107 cosponsors introduced H.R. 9, the Job Creation and Wage Enhancement Act of 1995. H.R. 9 was referred, by title, to the following Committees: the Committee on Ways and Means; the Committee on Science; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on the Budget; the Committee on Rules; the Committee on the Judiciary; and the Committee on Small Business.

Title III of H.R. 9, Risk Assessment and Cost/Benefit Analysis for New Regulations, was referred to the Committee on Science, and in addition to the Committee on Commerce and the Committee on Government Reform and Oversight. Within the Committee on Commerce, Title III of H.R. 9 was referred to the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and the Environment, and in addition to the Subcommittee on Energy and Power, for a period ending not later than February 3, 1995.

The Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and Environment held joint hearings on H.R. 9 on February 1 and February 2, 1995. The hearing included 25 witnesses from a broad range of interests, including representatives of Federal agencies, State governments, local governments, school boards, scientific organizations, the environmental community, labor unions, and the regulated community. On February 3, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials, the Subcommittee on Health and Environment, and the Subcommittee on Energy and Power were discharged from further consideration of H.R. 9.

The Full Committee met in open markup session to consider H.R. 9 on February 7 and February 8, 1995. On February 8, 1995, the Full Committee ordered H.R. 9 reported to the House, as amended, by a roll call vote of 27 yeas to 16 nays. The Committee reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 1).

The Committee on Science also reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 2).

On March 3, 1995, the House considered H.R. 9, and struck all after Section 1 and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 1022, see the discussion of the Risk Assessment and Cost-Benefit Act of 1995 in this section.

H.R. 9, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 9, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

## TAX FAIRNESS AND DEFICIT REDUCTION ACT OF 1995

(H.R. 1215, H.R. 1327)

(Medicare Parts B and C Administration Budget Savings Extension Act)

To amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs.

*Summary*

Title V of H.R. 1215 incorporates the text of H.R. 1217, the Medicare Parts B and C Administration Budget Savings Extension Act of 1995. The purpose of Title V is to extend specific savings provisions under the Medicare Program, as proposed in the budget submitted by the President for Fiscal Year 1996. These policies concern the beneficiary premium under the Part B program, payments to home health agencies, and the Medicare Secondary Payer Program.

*Legislative History*

On March 13, 1995, Mr. Archer introduced H.R. 1215 in the House. The bill was referred to the Committee on Ways and Means. On March 21, 1995, the Committee on Ways and Means reported the bill to the House (H. Rpt. 104-84). On April 5, 1995, the House considered H.R. 1215 and agreed to an amendment in the nature of a substitute consisting of the text of H.R. 1327, a bill introduced by Representatives Kasich, Archer, and Bliley. The House passed H.R. 1215, as amended, by a roll call vote of 246 yeas to 188 nays. Included within the text of H.R. 1327 were the provisions of H.R. 1217, the Medicare Parts B and C Administration Budget Savings Extension Act of 1995, as reported to the House on March 23, 1995. For the legislative history of that bill, see the discussion of the Medicare Parts B and C Administration Budget Savings Extension Act of 1995 (H.R. 1217) in this section.

On April 6, 1995, H.R. 1215 was received in the Senate and referred to the Senate Committee on Finance. No further action was taken in the Senate on the legislation in the 104th Congress.

## MEDICARE PRESERVATION ACT OF 1995

(H.R. 2425, H.R. 2485, H.R. 2491)

To amend Title XVIII of the Social Security Act to preserve and reform the Medicare program.

*Summary*

To address the financial crisis facing Medicare, the provisions of this measure falling within the Committee's jurisdiction propose approaches to place Part B of Medicare on a long-term sustainable growth path, achieve a sustainable financial base for the Medicare program, and provide Medicare beneficiaries with new options for purchasing or obtaining health insurance. Under H.R. 2425, Medicare enrollees may remain in traditional fee-for-service Medicare or obtain coverage from physician-hospital sponsored organizations, preferred provider networks, health maintenance organizations

with and without point of service options, medical savings accounts, or private indemnity insurance products.

H.R. 2425 revises the payment policies for items and services covered under Medicare including hospitals, skilled nursing facilities, graduate medical education, physicians, and durable medical equipment. In addition, the legislation would establish a prospective payment system for home health services.

The legislation includes several provisions related to fraud and abuse. For example, the bill increases Medicare's ability to prevent payments for fraudulent, abusive, or erroneous claims, and to identify billing schemes early to avoid large losses through the establishment of the "Medicare Integrity Program." Increased funding is authorized for anti-fraud and abuse activities for the FBI and the Department of Health and Human Services Inspector General. Fraud and abuse activities will be coordinated through a national health care fraud and abuse control program. The bill also creates new health care fraud offenses and clarifies existing statutes.

Finally, H.R. 2425 provides an exemption from Federal and State antitrust laws for certain health care service activities.

*Legislative History*

The Subcommittee on Health and Environment held 4 days of hearings on the Future of the Medicare Program and related issues during the 104th Congress. The focus of these hearings was to review the performance of the Medicare program, discuss alleged problems, and examine options for reform.

The first hearing, on June 28, 1995, focused on the growth of spending in the portions of the Medicare program under the jurisdiction of the Committee on Commerce. Witnesses included representatives from the General Accounting Office, health commissions and associations, and policy institutes.

A July 12, 1995, hearing focused on Medicare's payment policies for risk-based maintenance organizations (HMOs). Witnesses included representatives from the Health Care Financing Administration (HCFA), the General Accounting Office (GAO), health care commissions, and private organizations.

The third hearing on July 18, 1995, focused on proposals to reform the Medicare program. Witnesses included representatives from the Department of Health and Human Services (HHS), health associations, and Medicare coalitions.

On August 3, 1995, the Subcommittee's fourth hearing focused on proposals to reform the Medicare program, as well as Medicare issues in reconciliation. Witnesses included representatives from health associations, community groups, policy institutes, and medical laboratories.

In addition, on July 27, 1995, the Subcommittee on Health and Environment held a joint hearing with the Ways and Means Committee Subcommittee on Health on standards for health plans providing coverage in the Medicare Program. The purpose of the hearing was to examine the full range of standards currently applied in the health care system, both public and private, with an emphasis on the unique needs and requirements of the Medicare Program, and whether additional health plans might seek to participate in the Medicare Program if additional options were provided.

Witnesses included representatives from the General Accounting Office (GAO), hospital and physician networks, and private organizations.

On September 29, 1995, Representatives Archer, Bliley, Bilirakis, Thomas, Hyde, Greenwood, Hastert, Johnson of Connecticut, and McCrery introduced H.R. 2425 in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, the Committee on the Judiciary, and the Committee on Rules.

The Full Committee met in open markup session to consider H.R. 2425 on October 2, October 10, October 11, and October 12, 1995. On October 12, 1995, the Full Committee ordered H.R. 2425 reported to the House, amended, by a roll call vote of 27 yeas to 22 nays.

The Committee on Ways and Means reported H.R. 2425 to the House on October 16, 1995 (H. Rpt. 104-276, Part 1). The Committee on Commerce reported H.R. 2425 to the House on October 16, 1995 (H. Rpt. 104-276, Part 2). The referral of H.R. 2425 to the Committee on the Judiciary and the Committee on Rules was extended for a period ending not later than October 16, 1995. On October 16, 1995, the Committee on the Judiciary and the Committee on Rules were discharged from further consideration of H.R. 2425.

On October 18, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 2425. The rule was filed in the House as H. Res. 238 (H. Rpt. 104-282). On October 19, 1995, the House passed H. Res. 238 by a roll call vote of 227 yeas to 192 nays. H. Res. 238 provided that an Amendment in the Nature of a Substitute consisting of the text of H.R. 2485, as amended by the amendments contained in H. Rpt. 104-282, be considered as adopted by the House, and that H.R. 2425, as so amended, be considered as the original bill for purposes of amendment on the House Floor.

On October 19, 1995, the House considered H.R. 2425 and passed the bill, amended, by a roll call vote of 231 yeas to 201 nays. On October 20, 1995, H.R. 2425 was received in the Senate, read twice, and referred to the Senate Committee on Finance.

No further action occurred on H.R. 2425 in the 104th Congress. However, provisions of H.R. 2425 were included in Title VIII of H.R. 2491, as presented to the President. For the legislative history of H.R. 2491, see the discussion of the Balanced Budget Act of 1995 in this section.

## "WISCONSIN WORKS" DEMONSTRATION PROJECT

(H.R. 3562)

A bill to authorize the State of Wisconsin to implement the demonstration project known as "Welfare Works."

*Summary*

H.R. 3562 provides that, upon presentation by the State of Wisconsin to the appropriate Federal official, of its plan for the "Wisconsin Works" (welfare reform) demonstration project, for any Federal entitlement program specified in the plan: (1) such Federal official is deemed to have waived compliance with the requirements

of Federal law with respect to such program, to the extent and for the period necessary to enable the State to carry out the demonstration project; and (2) the costs of carrying out the project, which would not otherwise be included as program expenditures, shall be regarded as program expenditures, except to the extent that the sum of such costs and the expenditures of the State under all such projects during any demonstration period exceeds the total amount that would be expended under such programs during such period in the absence of the demonstration project. The bill also provides for the recapture of excess amounts under certain conditions.

With specific regard to the Medicaid program, H.R. 3562 specifically would not have any effect on certain other waivers granted to Wisconsin before enactment of this Act (*e.g.*, waivers under Section 1115 of the Social Security Act) and that the current waivers are considered a precondition and can be subsumed as part of the Wisconsin Works demonstration project.

*Legislative History*

On June 4, 1996, Representatives Neumann, Klug, Gunderson, Petri, Roth, and Sensenbrenner introduced H.R. 3562 in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, the Committee on Economic and Educational Opportunities, and the Committee on Commerce.

On June 5, 1996, the Committee on Rules met and granted a rule providing for consideration of H.R. 3562. The rule was filed in the House as H. Res. 446.

On June 6, 1996, the House passed H. Res. 446 by a roll call vote of 363 yeas to 59 nays. The House then considered H.R. 3562, and passed the bill by a roll call vote of 289 yeas to 136 nays.

On June 7, 1996, H.R. 3562 was received in the Senate. On June 19, 1996, H.R. 3562 was read twice and placed on the Senate Calendar. No further action was taken on H.R. 3562 in the 104th Congress.

## MEDICARE PARTS B AND C ADMINISTRATION BUDGET SAVINGS EXTENSION ACT OF 1995

(H.R. 1217, H.R. 1134)

To amend Parts B and C of Title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for Fiscal Year 1996.

*Summary*

The purpose of H.R. 1217 is to extend provisions under the Medicare program, as proposed in the budget submitted by the President for Fiscal Year 1996. These programs concern: (1) the beneficiary premium under the Part B program; (2) payments to home health agencies; and (3) the Medicare Secondary Payer Program.

Medicare beneficiaries pay a percentage of the premium for Part B (medical) insurance. Premiums represented about 25 percent of Part B costs until 1995, when the premium was calculated to ap-

proximately 31 percent of program costs. Under current law, the Part B premium is calculated based on actual program costs. This provision of law expires in 1998, however, and the method for calculating the Part B premium reverts to a formula in which the premium increase is limited to the percentage by which cash benefits are increased under the Cost of Living Adjustment (COLA) provisions of the Social Security program. H.R. 1217 sets the premium permanently at 25 percent of the program costs.

The Omnibus Budget Reconciliation Act of 1993 (OBRA 93) froze reimbursement limits during Fiscal Years 1994 and 1995 on home health agency (HHA) reimbursement calculations. The Administration proposal did not continue the freeze; rather, it provided that in calculating future updates to the per-visit limits for health agencies, the Secretary of Health and Human Services must adjust the relevant data to disregard increases in HHA costs that would have occurred in FY 1994 and 1995 if the freeze had not been in place. H.R. 1217 has the effect of extending some savings by not allowing for inflation during the freeze years (or readjusting the baseline for cost calculation) when future updates are calculated.

Finally, H.R. 1217 extends permanently the OBRA 93 requirement, which otherwise expires in 1998, that Medicare be a secondary payer. Generally, Medicare is the first and primary payer of health insurance claims for its beneficiaries, with private or other insurance policies filling in the gaps. However, some beneficiaries have policies which require the non-Medicare insurance to be the primary payer, and Medicare to be the secondary payer. H.R. 1217 requires Medicare to pay secondary to other insurers and facilitate identification of primary payers.

*Legislative History*

On March 14, 1995, the Subcommittee on Health and Environment held a hearing on the extension of certain Medicare programs in the President's FY 96 budget. The sole witness was the Associate Administrator for Policy of the Health Care Financing Administration.

On March 13, 1995, Mr. Bliley introduced H.R. 1217 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

On March 15, 1995, a request that H.R. 1217 be considered directly by the Full Committee was agreed to by unanimous consent. The Full Committee then considered H.R. 1217 and ordered the bill reported to the House by a voice vote. The Committee on Commerce reported H.R. 1217 to the House on March 23, 1995 (H. Rpt. 104-87, Part 1). The Committee on Ways and Means reported its own version of Medicare extender legislation, H.R. 1134, to the House on March 15, 1995 (H. Rpt. 104-80, Part 1). No further action was taken on either H.R. 1217 or H.R. 1134 in the 104th Congress.

The provisions of H.R. 1217 were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995. For the legislative history of that bill, see the discussion of the Tax Fairness and Deficit Reduction Act of 1995 (H.R. 1215) in this section.

## PATIENT RIGHT TO KNOW ACT OF 1996

(H.R. 2976)

To prohibit health plans from interfering with health care provider communications with their patients.

*Summary*

The purpose of H.R. 2976 is to prevent health plans from interfering in medical communications between patients and their health care providers. The bill provides that a health plan may not include—in any written contract with a provider, written statement to a provider, or oral communication with a provider—any provision that prohibits or restricts any medical communication. The bill declares such provisions null and void.

*Legislative History*

H.R. 2976 was introduced in the House on February 27, 1996, by Mr. Ganske and 23 cosponsors. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, the Committee on Economic and Educational Opportunities, and the Committee on Government Reform and Oversight.

On May 30, 1996, the Subcommittee on Health and Environment held a hearing on Contract Issues and Quality Standards for Managed Care, receiving testimony from representatives of insurance groups, medical associations, health care organizations, and individuals. On June 27, 1996, the Subcommittee on Health and Environment met in open markup session to consider H.R. 2976 and approved the bill for Full Committee consideration, amended, by a roll call vote of 22 yeas to 0 nays.

On July 24, 1996, the Full Committee met in open markup session to consider H.R. 2976 and ordered the bill reported to the House, as amended, by a voice vote. The Committee on Commerce reported H.R. 2976 to the House on September 28, 1996 (H. Rpt. 104-865, Part 1). Referral of H.R. 2976 to the Committee on Ways and Means, the Committee on Economic and Educational Opportunities, and the Committee on Government Reform and Oversight was extended for a period ending not later than October 2, 1996. On October 2, 1996, the referral of H.R. 2976 to the Committee on Ways and Means, the Committee on Economic and Educational Opportunities, and the Committee on Government Reform and Oversight was extended for a period ending not later than October 4, 1996.

No further action was taken on H.R. 2976 in the 104th Congress.

## MEDICARE AND MEDICAID WAIVER FOR NURSE AIDE TRAINING PROGRAMS IN CERTAIN FACILITIES

(H.R. 3633)

To amend Title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

*Summary*

H.R. 3633 amends Title XVIII and Title XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain facilities. A State can waive the prohibition if the State: (1) determines that there is no other such program offered within a reasonable distance of the facility; (2) assures, through an oversight effort, than an adequate environment exists for operating the program in the facility; and (3) provides notice of such determination to the State long-term-care ombudsman.

*Legislative History*

H.R. 3633 was introduced in the House on June 12, 1996 by Mr. Ehrlich. The bill was referred to the Committee on Ways and Means, and in addition to the Commerce on Commerce.

On September 18, 1996, the Full Committee met in open markup session and, by unanimous consent, discharged the Subcommittee on Health and Environment from further consideration of H.R. 3633. The Full Committee then considered H.R. 3633 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 3633 to the House on September 23, 1996 (H. Rpt. 104-818, Part 1).

No further action was taken on H.R. 3633 in the 104th Congress.

WELLNESS PLAN MEDICARE ENROLLMENT COMPOSITION WAIVER

(H.R. 4012)

To waive temporarily the Medicare enrollment composition rules for The Wellness Plan.

*Summary*

Under Section 1876(f) of the Social Security Act, Medicare risk-contracting plans (managed care plans) are subject to rules regarding the enrollment of beneficiaries. One of these rules, commonly known as the 50/50 rule, requires that Medicare and Medicaid enrollees may not exceed 50 percent of plan enrollment. One of the main reasons for the establishment of this rule was that it could serve as a proxy for a plan's quality of care.

H.R. 4012 provides a waiver of this section of the Social Security Act to The Wellness Plan of Michigan through December 31, 1999. The Wellness Plan (TWP) is a State-licensed and Federally-qualified health maintenance organization serving several counties in Michigan, including the Detroit Metropolitan Statistical Area. TWP currently has approximately 155,000 enrollees consisting of: 141,000 Medicaid enrollees; 12,000 commercial enrollees, and 2,000 Medicare enrollees. TWP has had a Health Care Prepayment Plan (HCPP) contract, a Medicare Part B-only cost contract, with Medicare since 1993.

As of January 1, 1996, HCPP enrollment and establishment of new HCPP contracts were effectively frozen as a result of the Social Security Technical Corrections Act of 1994. Therefore, TWP cannot enroll any more Medicare beneficiaries. Many HCPP contractors are converting to a Medicare risk contract. TWP is ineli-

gible for this option because of the 50/50 rule. As noted above, TWP's Medicaid enrollment is well over the 50 percent limit. Also, the Health Care Financing Administration does not have the authority to grant TWP an administrative waiver. This bill enables TWP to continue to serve Medicare beneficiaries.

*Legislative History*

On August 2, 1996, H.R. 4012 was introduced in the House by Representatives Upton, Dingell, Camp, Levin, and Conyers. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

On September 18, 1996, the Full Committee met in open markup session and, by unanimous consent, discharged the Subcommittee on Health and Environment from further consideration of H.R. 4012. The Full Committee then considered H.R. 4012 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 4012 to the House on September 25, 1996 (H. Rpt. 104-845, Part 1). Referral of the bill to the Committee on Ways and Means was extended for a period ending not later than October 2, 1996. On October 2, 1996, the referral of the bill to the Committee on Ways and Means was extended for a period ending not later than October 4, 1996.

No further action was taken on H.R. 4012 in the 104th Congress.

## WATTS HEALTH FOUNDATION MEDICARE ENROLLMENT COMPOSITION WAIVER EXTENSION

(H.R. 2923)

To extend for 4 additional years the waiver granted to the Watts Health Foundation from the membership mix requirement for health maintenance organizations participating in the Medicare program.

*Summary*

The purpose of H.R. 2923 is to extend a waiver of Section 1876(f) of the Social Security Act (regarding the 50/50 rule) through January 1, 2000, for the Watts Health Foundation. The waiver extended by the Omnibus Budget Reconciliation Act (OBRA) of 1993 expired on January 1, 1996.

Under Section 1876(f) of the Social Security Act, Medicare risk-contracting plans (managed care plans) are subject to rules regarding the enrollment of beneficiaries. One of these rules, commonly known as the 50/50 rule, requires that Medicare and Medicaid enrollees may not exceed 50 percent of plan enrollment. One of the main reasons for the establishment of this rule was to serve as a proxy for a plan's quality of care.

On March 25, 1985, the Health Care Financing Administration granted Watts a temporary waiver from the 50/50 rule. Congress granted Watts another temporary waiver until January 1, 1990 as part of OBRA 1987. This was extended to January 1, 1994 by OBRA 1989 and to January 1, 1996, by OBRA 1993. Watt's waiver expired at the end of calendar year 1995. To allow Watts to continue to provide care to its Medicare enrollees, its waiver must be extended.

*Legislative History*

On January 31, 1996, Ms. Waters introduced H.R. 2923 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means.

On September 18, 1996, the Full Committee met in open markup session and, by unanimous consent, discharged the Subcommittee on Health and Environment from further consideration of H.R. 2923. The Full Committee then considered H.R. 2923 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 2923 to the House on September 25, 1996 (H. Rpt. 104-844, Part 1). Referral of the bill to the Committee on Ways and Means was extended for a period ending not later than October 2, 1996. On October 2, 1996, the referral of the bill to the Committee on Ways and Means was extended for a period ending not later than October 4, 1996.

No further action was taken on H.R. 2923 in the 104th Congress.

## DRUG AND BIOLOGICAL PRODUCTS REFORM ACT OF 1996

(H.R. 3199)

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes.

*Summary*

H.R. 3199 makes a series of changes to strengthen the operation of the Food and Drug Administration (FDA). It establishes a clear FDA mission, an annual report to Congress, and an internal dispute resolution mechanism.

The bill streamlines review of applications for clinical investigations on new drugs by clarifying the information needed for a research investigation application, the criteria for FDA to issue a clinical hold on an investigation, and how FDA may accredit certain research institutions to approve phase I and phase II research. The bill also streamlines the review of new drug applications by specifying that the information necessary for review must include certified accurate and adequate reports of clinical and preclinical investigations on safety and effectiveness, tables of the relevant data, and data on deaths and dropouts due to adverse reactions. FDA may request primary data tabulations or case report forms or tabulations. The bill requires FDA to establish standards for the review of applications and meet with sponsors to reach agreement on clinical trials. In order to establish clear lines of responsibility, review decisions on scientific and medical matters on a new drug will be binding for field and compliance staff. Other than under extraordinary circumstances, action on a new drug marketing should not be delayed by unavailability of information from, or action by, field personnel.

The bill establishes that the effectiveness of a drug may be met by one or more clinical investigations, and a well-controlled investigation must use methods of control appropriate to the intended use of the drug and the disease. FDA may waive the requirement

for a well-controlled clinical investigation. A standard is established to speed the approval of a new drug for a serious or life-threatening condition. The bill provides FDA with an option for the approval of supplemental indications for drugs already approved when the common use represents reasonable clinical practice. The bill makes clear that effectiveness does not include relative effectiveness, cost effectiveness, or potential uses unless claimed in the drug's labeling. The bill strengthens the FDA scientific review panels.

The bill establishes the option for the use of FDA accredited persons to review applications for new drugs, biologics, or supplemental applications under the standards and requirements of the law applicable to FDA. FDA shall approve or deny an application after review of an accredited person's report. The bill also authorizes FDA to accredit persons to conduct good manufacturing practice inspections. Strict requirements are established to protect public health. FDA is to establish regulations for the accreditation of third parties. The bill requires the highest standards for the accreditation to ensure that there will be no conflicts of interest and to provide a high degree of integrity. Criminal and civil penalties are established for violations, false or misleading information, bribery or corrupt acts, or release of confidential information or trade secrets.

The bill seeks to clarify the responsibility for regulatory action relating to the review of good manufacturing practice (GMP) for reviews of chemistry, manufacturing, or controls. Unless there is an actual imminent harm to public health, FDA may not take action to delay or prevent the marketing of a drug because of GMP issues without an informal hearing on specific factors that relate to a drug's safety or effectiveness. The bill permits any new drug manufactured in a pilot or other small facility to be used to demonstrate the safety and effectiveness of the drug and to obtain approval prior to scaling-up to a larger facility, unless FDA requests otherwise. The bill eliminates FDA case-by-case approval of slight manufacturing changes that do not affect the characteristics of a drug product and places the burden of validating such manufacturing methods on the manufacturer. Changes for other products must be reported to FDA through a supplement or amendment submitted at the time the change is made. Special rules apply to biotechnology products to distinguish those that do and do not require prior FDA approval.

The bill eliminates outdated requirements for batch certification of insulin and certain antibiotic products. Applications or petitions to switch a drug from prescription to over-the-counter shall be reviewed and acted upon solely by a single office in the Center for Drug Evaluation and Research or a successor entity. Also, the bill clarifies that routine pharmaceutical compounding (which includes radiopharmaceutical compounding) is not manufacturing.

The bill requires FDA to participate in meetings with other countries to reduce the burden of regulation, harmonize regulatory requirements, seek appropriate reciprocal arrangements, and establish a framework for mutual recognition of good manufacturing practices. FDA is also to report to Congress before executing any of these agreements.

The dissemination of certain scientific and medical information is permitted only if it is not used to encourage the unapproved use of a legally marketed drug or device through any means of promotion. The bill prohibits FDA from relying on informal agency statements to require any action to satisfy regulatory obligations under the Act.

The bill encourages the conduct of education and training programs for employees, including programs for scientific training, administrative processes, and integrity issues. FDA research is limited to that directly related to the implementation of the Act. The bill confirms that FDA does not regulate the practice of medicine or other health disciplines. The bill designates that particular officials may not delegate certain identified responsibilities and clarifies the judicial review provision in the Act.

Finally, the bill revises and establishes the regulation of biologics and defines three distinct product categories: biological products, blood and blood components, and tissue. It moves the regulation of these products into the text of the Federal Food, Drug, and Cosmetic Act from their current regulation under Section 351 of the Public Health Service Act, thus adding administrative convenience and simplicity to their regulation.

*Legislative History*

The Subcommittee on Health and Environment held a hearing on February 27, 1996, on The Need for FDA Reform. Testimony was received from patients, medical experts, and industry representatives on a range of concerns including: problems of slow access to new products, restrictions on access to information about certain medical treatments, and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony received at that hearing, H.R. 3199 was introduced in the House on March 29, 1996, by Mr. Burr and 42 cosponsors. The Subcommittee on Health and Environment held hearings on H.R. 3199 on May 1 and May 2, 1996. Testimony was received from Administration officials, patients, medical experts, and industry representatives.

In response to concerns raised in these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress.

## FOOD AMENDMENTS AND ANIMAL DRUG AVAILABILITY ACT OF 1996

(H.R. 3200)

To amend the Federal Food, Drug, and Cosmetic Act to increase access to nutritional information about foods, to increase availability of safe food products, and for other purposes.

*Summary*

H.R. 3200 makes changes to streamline the regulation of foods and veterinary medicines by the Food and Drug Administration (FDA). It establishes a clear FDA mission and an annual report to Congress.

The bill addresses several issues concerning the labeling of foods. It amends the health claim requirement to permit information prepared by a Federal agency or the National Academy of Sciences to be considered evidence for meeting the standard for the authorization of a health claim. It clarifies that significant scientific agreement on health claims does not necessarily require consensus or unanimity. The bill permits the use of certain synonyms for nutrient descriptors. The bill prohibits FDA from requiring labeling to disclose the method of production, or an ingredient not otherwise required to be listed in the ingredient label, unless necessary to protect public health. The bill also eliminates certain requirements related to colored margarine.

The bill authorizes FDA accredited persons to review food and color additive petitions and health claim petitions and to conduct "good manufacturing practices" (GMPs) inspections. The bill requires the highest standards for accredited organizations to ensure that there will be no conflicts of interest and to provide a high degree of integrity. Criminal and civil penalties are established for violations of false or misleading information, bribery or corrupt acts, or release of confidential information or trade secrets.

The bill replaces the Delaney Clause's zero risk standard for food additives, color additives, and animal drugs with a negligible or insignificant risk standard. FDA is required, within 180 days of enactment, to establish criteria for the standard and the proposed regulation is to become final unless FDA issues a final regulation within 18 months after enactment of this bill.

The bill requires FDA to establish an internal, informal information system to track all applications and filings. Each applicant must have access to the system to determine the status of its application.

The bill requires FDA to participate in meetings with other countries to reduce the burden of regulation, harmonize regulatory requirements, seek appropriate reciprocal arrangements, and establish a framework for mutual recognition of good manufacturing practices. FDA is also to report to Congress before executing any of these agreements.

Finally, the bill streamlines the regulation of animal drugs by modernizing requirements for determining the effectiveness of animal drugs. The time frame for approval is shortened from 180 days to 90 days. The provision requires the denial of approval if there is information that, under the labeled conditions of use, a residue exceeds FDA's safety tolerance for the drug. In addition, the bill provides for the regulation of certain drugs through a "veterinary feed directive" regulation for medicated feeds to be issued by a veterinarian.

*Legislative History*

The Subcommittee on Health and Environment held a hearing on February 27, 1996, on The Need for FDA Reform. Testimony was

received from animal health experts, nutrition experts, and industry representatives on a range of concerns including problems of slow access to new products and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony received at that hearing, H.R. 3200 was introduced in the House on March 29, 1996, by Mr. Klug and 40 cosponsors. H.R. 3200 incorporated provisions similar to those contained in H.R. 2508, relating to animal drugs. The Subcommittee on Health and Environment held hearings on H.R. 3200 on May 1 and May 2, 1996. Testimony was received from Administration officials, consumers, animal health experts, and industry representatives.

In response to concerns raised in these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation. An agreement was reached with respect to the animal drug provisions, and the agreement was offered as an Amendment in the Nature of a Substitute during Full Committee consideration of H.R. 2508 on September 19, 1996, and adopted by a voice vote. H.R. 2508, as amended, passed the House on September 24, 1996. The Senate passed H.R. 3508 on September 25, 1996 by unanimous consent. On October 9, 1996, the President signed H.R. 2508 into public law (P.L. 104-250). For the legislative history of H.R. 2508, see the discussion of the Animal Drug Availability Act of 1996 in this section.

No further action was taken on H.R. 3200 in the 104th Congress.

## MEDICAL DEVICE REFORM ACT OF 1996

### (H.R. 3201)

To amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, clearance, and use of devices to maintain and improve the public health and quality of life of the citizens of the United States.

*Summary*

H.R. 3201 makes a series of changes to strengthen the operation of the Food and Drug Administration (FDA). It establishes a clear FDA mission, an annual report to Congress, and an internal dispute resolution mechanism.

FDA is required to publish regulations, within 120 days of enactment, updating procedures for increasing public access to investigational devices. If an FDA decision is disputed, the device sponsor has the right to appear before an advisory committee that would be constituted under requirements of this bill.

For those devices representing breakthrough technologies, or the best interest of the public health, FDA must propose regulations creating a system for priority review within 6 months of enactment. Within 60 days of the proposed regulations, the FDA must publish final regulations. The bill makes streamlining changes to the humanitarian device provisions of the current law.

Premarket notification provisions are modified to ensure devices are initially classified in a timely and fair manner. Certain class I and II devices would be exempt from premarket notification within 30 days of enactment. Petitioners may request exemption of other class II devices from 510(k) notification, and the agency would be required to respond within 120 days. Failure of the agency to respond would result in automatic exemption. Sponsors may request a classification panel, established under Section 513 of existing law, to determine whether a substantially equivalent device should be placed in class I, II, or III. The panel will have 60 days to make a classification recommendation; and thereafter, the FDA will have 10 days to classify the device. FDA-accredited persons (see below) will have 90 days to complete a substantial equivalence review. Reviews by accredited persons will be final unless a person seeks FDA review. The FDA will have 30 days to determine the appropriate device classification, and if the FDA fails to issue classification, the device will remain in class III. For products substantially equivalent to class III devices, accredited persons have 60 days to review a device and make a recommendation. The FDA has 30 days to agree or disagree with this recommendation. If it disagrees, the agency must provide a detailed explanation and justification for its view. If the FDA fails to provide this information, the decision of the third party review becomes FDA's classification determination, and the agency would be prohibited from reclassifying a product because of its failure to act in a timely manner. Device sponsors will not be subject to premarket notification requirements provided minor changes or modifications do not adversely affect the safety or effectiveness of the device.

Timely reviews are the focus of amendments to Section 515, which governs the review of premarket approval for class III devices. Responsibilities for accredited person review of premarket approval applications are defined. Time limits are established through all phases of review for both the FDA and third party reviewers. Such actions as initial receipt of an application, preliminary review, referral to an advisory committee, direct meetings with and written correspondence to the sponsor, and approval or denial of a submission are subject to statutory deadlines. Failure of the FDA to act on the 180-day premarket approval application (PMA) review deadline necessitates filing a report with the Commissioner of the FDA explaining the cause for delay.

Within 180 days of enactment, FDA must specify procedures for accrediting accredited persons. Accredited persons may be authorized by FDA to review premarket notifications and premarket approval applications, and conduct good manufacturing practices inspections. Within 6 months of enactment, FDA must implement the accreditation program.

Within 18 months of enactment, FDA must publish a regulation establishing the appropriate classification of each preamendment class III device awaiting reclassification. Following a 60-day comment period, the FDA must finalize its regulation.

Accredited persons would be able to complete most inspection tasks with the FDA as an overseer. If accredited person inspectors encounter specified good manufacturing practice (GMP) violations, the FDA must be notified. To the extent practical, good manufac-

turing practice regulation should conform to International Standard Organization requirements which define quality systems for devices.

The bill also requires FDA to participate in meetings with other countries to reduce the burden of regulation, harmonize regulatory requirements and seek appropriate reciprocal arrangements, and establish a framework for mutual recognition of good manufacturing practices. FDA is also to report to Congress before executing any of these agreements.

Mandatory device tracking is eliminated and any necessary tracking requirements are to assigned at the FDA's discretion and apply only to the certain class II and III devices. Mandatory postmarket surveillance is eliminated, with necessary inspections limited to certain class II or III devices. Requirements for distributor reports, user reports, medical device report certifications, and reports of removals and corrections are eliminated. Under certain conditions, individuals are immunized from strict criminal liability. The FDA is specifically encouraged to apply international standards in its GMP regulations and is required to participate in international meetings to discuss ways to reduce international regulatory burdens. Medical and scientific information disseminated through various media will not be construed as a basis for filing for premarket review unless the information encourages the unapproved use of a legally marketed device through labeling or advertising. Individuals subject to civil penalties may apply the monetary amount of the penalty to correct violations. The FDA is prohibited from relying on informal agency statements (*e.g.*, memoranda and guidance documents) to satisfy obligations under the Act.

*Legislative History*

The Subcommittee on Health and Environment held a hearing on February 27, 1996, on The Need for FDA Reform. Testimony was received from patients, medical experts, and industry representatives on a range of concerns including: problems of slow access to new products, restrictions on access to information about certain medical treatments, and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony received at that hearing, H.R. 3201 was introduced in the House on March 29, 1996, by Mr. Barton of Texas and 41 cosponsors. The Subcommittee on Health and Environment held hearings on H.R. 3201 on May 1 and May 2, 1996. Testimony was received from Administration officials, patients, medical experts, and industry representatives.

In response to concerns raised in these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress.

## UNIFORMED SERVICES MEDICARE SUBVENTION DEMONSTRATION PROJECT ACT

(H.R. 3142)

To establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

*Summary*

H.R. 3142 establishes a demonstration program to provide Medicare subvention or reimbursement to the Department of Defense (DOD) for health care services provided to certain Medicare-eligible military beneficiaries. The goal of the demonstration program is to improve access to needed health care services for these military beneficiaries while determining whether subvention can be accomplished in a manner that does not increase costs to the Federal government or the Medicare Trust Fund.

Presently, there are about 1.2 million Medicare-eligible military beneficiaries. Although these beneficiaries are eligible to use military medical facilities on a space-available basis, they are not eligible to enroll in, or participate in, the DOD's TRICARE managed health care program. With bases being closed and realigned throughout the country, access to military medical facilities is becoming increasing difficult for these beneficiaries. Exacerbating the situation is the fact that the TRICARE program is designed to maximize use of military medical facilities by TRICARE program enrollees.

The Department of Defense estimates that about 25 percent of military Medicare-eligible beneficiaries currently rely on military facilities for the majority of their health care needs. Supporting this population, which is projected to grow 29 percent by the year 2001, costs DOD about $1.4 billion a year. Continuing to meet the medical needs of this growing military beneficiary population is an extremely difficult challenge, particularly in today's budget-constrained environment.

H.R. 3142 establishes a subvention demonstration program to be conducted in two TRICARE regions over a 3-year period. Under the program, Medicare-eligible retirees who chose to participate in the demonstration would be required to enroll in the TRICARE HMO option—TRICARE Prime—and would receive all their medical care through the military health services system. As TRICARE enrollees, program participants would have a higher priority for receiving medical care in military facilities than non-enrollees and would be guaranteed access to treatment within a specific amount of time.

*Legislative History*

On March 21, 1996, Mr. Hefley introduced H.R. 3142 in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce and the Committee on National Security.

On September 19, 1996, the Subcommittee on Health and Environment held a hearing on H.R. 3142, the Uniformed Services Medicare Subvention Demonstration Project Act. The hearing also fo-

cused on the "Military Beneficiaries Medicare Reimbursement Model Project Act of 1996," a draft bill submitted to Congress on September 13, 1996, by the Secretary of Health and Human Services. Testimony was received from representatives of the Health Care Financing Administration (HCFA) and the Department of Defense (DOD), who discussed an agreement between HCFA and DOD to conduct a Medicare demonstration of military managed care.

On September 25, 1996, the Committee on National Security reported H.R. 3142 to the House (H. Rpt. 104-837, Part 1).

No further action occurred on this legislation in the 104th Congress.

## OVERSIGHT OR INVESTIGATIVE ACTIVITIES

### MEDICARE SELECT AND ISSUES RELATED TO MEDICARE MANAGED CARE

On February 15, 1995, the Subcommittee on Health and Environment held a hearing on the Medicare Select Program and issues related to managed care. Witnesses included Members of Congress and representatives of the Health Care Financing Administration, health associations, State insurance commissions, and various health plans. Testimony received at the hearing assisted the Committee in the development and enactment of legislation to extend the Medicare Select Program to all 50 States (H.R. 483; P.L. 104-18). For the legislative history of H.R. 483, see the discussion of that bill in this section.

### MEDICARE EXTENDERS IN THE PRESIDENT'S FISCAL YEAR 1996 BUDGET

On March 14, 1995, the Subcommittee on Health and Environment held a hearing on the extension of certain Medicare programs in the President's FY 96 budget. The sole witness was the Associate Administrator for Policy of the Health Care Financing Administration. Testimony received at the hearing assisted the Committee in the development of H.R. 1217, the Medicare Parts B and C Administration Budget Savings Extension Act of 1995, which was reported to the House on March 23, 1995. For the legislative history of H.R. 1217, see the discussion of that bill in this section.

### BUDGETARY EFFECTS OF THE GROWTH OF HEALTH CARE ENTITLEMENTS

On March 28, 1995, the Subcommittee on Health and Environment held a hearing on the budgetary effects of the growth of health care entitlements, specifically Medicare and Medicaid. Witnesses included Members of Congress and representatives of health policy institutes and health care associations. Testimony received at the hearing assisted the Committee in the development of both H.R. 2425, the Medicare Preservation Act of 1995, which passed the House on October 19, 1995, and the legislative language included in H.R. 2491, the Balanced Budget Act of 1995, as it related to the restructuring of the Medicaid Program. For the legislative history of H.R. 2425 and H.R. 2491, see the discussions of those bills in this section.

REAUTHORIZATION OF THE RYAN WHITE CARE ACT

On April 5, 1995, the Subcommittee on Health and Environment held a hearing on proposals to reuthorize the Ryan White CARE Act. Witnesses included Members of Congress and representatives of the Department of Health and Human Services, the General Accounting Office, State Health Departments, and various AIDS organizations. Testimony received at the hearing assisted the Committee in the development and enactment of legislation to reauthorize and amend the Ryan White CARE Act (H.R. 1872; P.L. 104-146). For the legislative history of H.R. 1872, see the discussion of that bill in this section.

HIV TESTING IN WOMEN AND INFANTS

The Subcommittee on Health and Environment held a hearing on May 11, 1995, on HIV testing of pregnant women and infants. Witnesses included representatives from the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), the American College of Obstetricians and Gynecologists, the American Academy of Pediatricians, and AIDS advocacy groups. The witnesses provided the Subcommittee with their recommendations regarding HIV testing for women and infants and the use of AZT in pregnant women to prevent HIV transmission. As a result of the hearing, provisions were included in H.R. 1872, the Ryan White Care Act reauthorization, regarding HIV testing of newborns. For the legislative history of H.R. 1872, see the discussion of that bill in this section.

WASTE, FRAUD, AND ABUSE IN THE MEDICARE PROGRAM

The Subcommittee on Health and Environment held 2 days of joint hearings with the Subcommittee on Oversight and Investigations on waste, fraud, and abuse in the Medicare Program. The first hearing was held on May 16, 1995. Witnesses on the first panel testified to the extent waste, fraud, and abuse are prevalent in the program and cited specific examples. The second panel included representatives from the Department of Health and Human Services Inspector General's Office, the General Accounting Office, and the Federal Bureau of Investigations. Each witness testified to the efforts being conducted to combat waste, fraud, and abuse, but also stated why the Medicare Program is so vulnerable to waste, fraud, and abuse.

The second hearing was held on July 19, 1995. The first witness had previously pled guilty to defrauding the Medicare Program. He testified to his particular crime, how he accomplished it, and how the system has numerous vulnerabilities that allow such fraud to occur. The second panel consisted of the Inspector General for the Department of Health and Human Services, and representatives from the General Accounting Office. The Inspector General (IG) testified to specific examples of waste, fraud, and abuse and also explained how the Medicare Program could save money if the Health Care Financing Administration implemented the annual cost saving suggestions that the IG's office proposed. Representatives from the General Accounting Office testified to the Health Care Financing Administration's inherent vulnerabilities for com-

bating fraud. Also, the results of an investigation of fraud by a specific company were reported. The Senior Advisor to the Administrator for Program Integrity, Health Care Financing Administration, sat on the last panel. The Senior Advisor testified to the efforts that the Health Care Financing Administration is undertaking to combat waste, fraud, and abuse in the Medicare Program.

As a result of Congressional concerns expressed in these and other hearings, provisions were included in both H.R. 2425, the Medicare Preservation Act of 1995, and H.R. 2491, the Balanced Budget Act of 1995, to combat waste, fraud, and abuse. These provisions are intended to establish a comprehensive approach to the control of waste, fraud, and abuse in the health care arena. An account is established that dedicates funds generated from health care fraud fines and penalties to fund the investigation and prosecution of these matters. Sanctions available to be imposed against persons convicted of health care fraud are clarified and increased, as are civil monetary penalties available to prosecutors.

Additionally, amendments to the criminal code expand the reach of Federal authority to attack a broader range of fraudulent activity and specifically allow criminal forfeiture in heath care fraud cases. Federal law is also expanded to include the following health care crimes: false statements, obstruction of criminal investigations, theft, and money laundering. Administrative subpoena authority is expanded to allow the Attorney General greater flexibility in obtaining documents sought during the investigative process. The State health care fraud control units' authority is also expanded. Moreover, a beneficiary incentive system is established to increase the collection of information from beneficiaries concerning fraud and abuse being perpetrated.

Procedures are established for the publication of safe harbors, special fraud alerts, and interpretive rulings. Individuals convicted of health care related felonies and substance abuse felonies are mandatorily excluded from participation in the Medicare and State health care programs. Permissive exclusion, as well as intermediate sanctions, are also expanded. Finally, the conversion of assets for the purpose of becoming eligible for health care benefits is made a felony.

For the legislative history of H.R. 2425 and H.R. 2491, see the discussions of the Medicare Preservation Act of 1995 (H.R. 2425) and the Balanced Budget Act of 1995 (H.R. 2491) in this section.

### TRANSFORMATION OF THE MEDICAID PROGRAM

The Subcommittee on Health and Environment held 6 days of hearings on the Transformation of the Medicaid Program and related issues during the 104th Congress. The focus of these hearings was to review the performance and alleged problems associated with the Medicaid Program and examine options for reform.

The Subcommittee's June 8, 1995, hearing focused on the fiscal impact of the Medicaid Program on the States. The hearing explored how State budgets have been affected by the Medicaid program's expenditure growth and how States have sought to respond to the resulting fiscal pressures. Offering testimony at the hearing were Governor Jim Edgar of Illinois, Governor Don Sundquist of

Tennessee, Governor John Engler of Michigan, Governor Mike Leavitt of Utah, and Governor Lawton Chiles of Florida.

A June 15, 1995, hearing focused on the Vaccines for Children (VFC) program. The hearing explored the history of the program, including its ability to increase the number of children vaccinated, the costs associated with this effort, and the manner in which the objective of universal childhood vaccination was undertaken. Testimony offered by representatives of the General Accounting Office focused on a recently published report calling the efficacy and efficiency of VFC into question. Other witnesses, including some State health officials, supported the program.

On June 23, 1995, the Subcommittee on Health and Environment held a third hearing which focused on the recent past history of the Medicaid Program. The hearing explored the evolution of expanded coverage provided by the program, the growth in costs associated with that expansion and other factors, and the Federal government's efforts to stem the growth in Medicaid expenditures, including the expedited approval of Section 1115 waiver applications submitted by States. Testimony was offered by current and former Administrators of the Health Care Financing Administration (HCFA), as well as by the Congressional Budget Office.

The Subcommittee's June 22, 1995, hearing continued the focus on Medicaid financing, the Section 1115 waiver process, and State experiences with Medicaid expenditure growth. Testimony relating to these issues was offered by the HCFA Director of the Medicaid Bureau and Health and Human Services Secretaries or Medicaid Directors representing the States of California, Iowa, North Carolina, Ohio, Utah, and Wisconsin. In addition, testimony was received from the General Accounting Office relating to its study of State responses to Medicaid cost pressure.

The Subcommittee on Health and Environment held a fifth hearing on July 26, 1995, which focused on State efforts to improve the quality, effectiveness, and efficiency of the medical assistance programs they administer. The hearing explored Medicaid innovations undertaken by a number of States and health plans, as well as the program changes that would be necessary to expand the scope of such efforts nationwide. Testimony was received from Governor Fife Symington of Arizona, Attorney General Charles Condon of South Carolina, Health and Human Resources Secretary Kay James of Virginia, and other State and health plan officials. The Administration's perspective was offered by Mr. Bruce Vladeck, the Administrator of HCFA.

The Subcommittee's August 1, 1995, hearing focused on a variety of perspectives on the Medicaid program and its reform. Testimony was received from advocacy organizations representing children, the disabled, the elderly, and health care providers. Testimony was also offered by policy experts representing the American Public Welfare Association and the Henry J. Kaiser Family Foundation.

Testimony received at these hearings assisted the Committee in the development of the legislative language included in H.R. 2491, the Balanced Budget Act of 1995, as it related to the restructuring of the Medicaid Program. For the legislative history of H.R. 2491, see the discussions of that bill in this section.

## THE FUTURE OF THE MEDICARE PROGRAM

The Subcommittee on Health and Environment held 4 days of hearings on the Future of the Medicare Program and related issues during the 104th Congress. The focus of these hearings was to review the performance and alleged problems associated with the Medicare program and examine options for reform.

On June 28, 1995, the Subcommittee on Health and Environment held the first hearing, which focused on the growth of Medicare spending in the portions of the Medicare Program under the jurisdiction of the Committee on Commerce. Witnesses included representatives from the General Accounting Office, health commissions and associations, and policy institutes.

On July 12, 1995, the Subcommittee's second hearing focused on Medicare's payment policies for risk-based health maintenance organizations (HMOs). Witnesses included representatives from the Health Care Financing Administration (HCFA), the General Accounting Office (GAO), Health Care Commissions, and private organizations.

The Subcommittee held the third hearing on July 18, 1995, focusing on proposals to reform the Medicare Program. Witnesses included representatives from the Department of Health and Human Services (HHS), health associations, and Medicare coalitions.

On August 3, 1995, the Subcommittee held the fourth hearing focusing on proposals to reform the Medicare Program, as well as Medicare issues in reconciliation. Witnesses included representatives from health associations, community groups, policy institutes, and medical laboratories.

Testimony received at these hearings assisted the Committee in the development of both H.R. 2425, the Medicare Preservation Act of 1995, which passed the House on October 19, 1995, and the legislative language included in H.R. 2491, the Balanced Budget Act of 1995, as it related to the reforming the Medicare Program. For the legislative history of H.R. 2425 and H.R. 2491, see the discussions of those bills in this section.

## RESEARCH EFFORTS WITH RESPECT TO COMBATING PARKINSON'S DISEASE AND OTHER NEUROLOGICAL DISORDERS

The Subcommittee on Health and Environment held a hearing on July 21, 1995, on research efforts on Parkinson's Disease and other neurological disorders. The purpose of the hearing was to receive testimony on research on Parkinson's Disease, Alzheimer's Disease, Multiple Sclerosis, Amyotrophic Lateral Sclerosis, and stroke. Witnesses included representatives from the National Institutes of Health, renowned scientists in each of the diseases, and individuals who suffer from these diseases.

## STANDARDS FOR HEALTH PLANS PROVIDING COVERAGE IN THE MEDICARE PROGRAM

On July 27, 1995, the Subcommittee on Health and Environment held a joint hearing with the Ways and Means Committee Subcommittee on Health on standards for health plans providing coverage in the Medicare Program. The purpose of the hearing was to examine the full range of standards currently applied in the health

care system, both public and private, with an emphasis on the unique needs and requirements of the Medicare Program, and whether additional health plans might seek to participate in the Medicare Program if additional options were provided. Witnesses included representatives from the General Accounting Office (GAO), hospital and physician networks, and private organizations. Testimony received at the hearing assisted the Committee in the development of both H.R. 2425, the Medicare Preservation Act of 1995, which passed the House on October 19, 1995, and the legislative language included in H.R. 2491, the Balanced Budget Act of 1995, as it related to the reforming the Medicare Program. For the legislative history of H.R. 2425 and H.R. 2491, see the discussions of those bills in this section.

IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990: TITLE I—AIR QUALITY AND EMISSION LIMITATIONS

On November 9, 1995, the Subcommittee on Health and Environment held a joint hearing with the Subcommittee on Oversight and Investigations on the implementation and enforcement of the Clean Air Act Amendments of 1990. This hearing focused on the setting of the form and level of the National Ambient Air Quality Standard for ozone contained in Title I of the Clean Air Act Amendments. Testimony was received from the Environmental Protection Agency, the States of Michigan and Texas, an economist, a medical and a scientific expert.

In examining the level of the standard, the Subcommittees heard testimony about possible alternative levels of the standard. These alternative levels ranged from .07 ppm to .09 ppm averaged over an 8 hour period, as opposed to the present standard of .12 ppm averaged over a 1 hour period. The Subcommittees also examined whether cost/benefit analysis should explicitly be part of the setting of the level of the standard. In addition, the Subcommittees heard testimony as to whether the form of the standard accurately reflects the concentration of ozone in a given nonattainment area.

TITLE VI OF THE CLEAN AIR ACT AND THE IMPACT OF THE SEVENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL

On January 25, 1996, the Subcommittee on Health and Environment held a hearing to assess the impact of the December 1995, Meeting of the Parties to the Montreal Protocol in Vienna, Austria. The Subcommittee received testimony from Rafe Pomerance, Deputy Assistant Secretary for Environment and Development, Department of State; Lawrence Ellworth, Special Assistant, Pesticide Policy, Natural Resources and Environment, Department of Agriculture; and Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency.

The Montreal Protocol is the international agreement providing for the phaseout of production and consumption of substances which are thought to deplete the stratospheric ozone layer. At the December 1995, Meeting of the Parties to the Montreal Protocol, several decisions were undertaken to provide for an acceleration of the developed nation phaseout date for hydrochloroflourocarbons (HCFCs) and for a decrease in the "cap" on allowable consumption

of HCFCs and for a developed nation phaseout schedule for methyl bromide, along with a developing nation prospective "freeze" on production and consumption of methyl bromide.

The Subcommittee examined several issues during its hearing including representations that had been made to the Committee prior to the December 1995, meeting by the Department of State and the Environmental Protection Agency that the U.S. delegation would work to preserve the "status quo" regarding HCFCs. In addition, Members of the Subcommittee questioned Administration witnesses on the content and balance of the agreements reached on methyl bromide. In particular, Members of the Subcommittee noted that most developing countries were not bound to any prospective freeze on methyl bromide since most developing countries had failed to ratify the 1992 Copenhagen Amendments to the Protocol. In addition, the disparity in commitments between developed countries (subject to a 25 percent reduction in methyl bromide production and consumption in 2001, a 50 percent reduction in 2005 and a 100 percent reduction in 2010) and developing countries (who are only subject to a freeze, implemented in 2002, based on 1995-1998 levels) was criticized since such disparity could have an adverse impact on U.S. agricultural trade.

### PRIORITIES FOR REAUTHORIZATION OF THE SAFE DRINKING WATER ACT

On January 31, 1996, the Subcommittee on Health and Environment held a hearing on priorities for reauthorization of the Safe Drinking Water Act. Testimony was received from Members of Congress; the Assistant Administrator, Office of Water, U.S. Environmental Protection Agency; and from representatives of the National Governors Association, the National League of Cities, the Association of State Drinking Water Administrators, the American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Water Companies, the National Rural Water Association and the Natural Resources Defense Council.

Testimony received at the hearing assisted the Committee in the development and enactment of legislation to reauthorize and amend the Safe Drinking Water Act (H.R. 3604; P.L. 104-182). For the legislative history of H.R. 3604, see the discussion of that bill in this section.

### THE NEED FOR FDA REFORM

The Subcommittee on Health and Environment held a hearing on February 27, 1996, on The Need for FDA Reform. Testimony was received from patients, medical experts, animal health experts, nutrition experts, and industry representatives on a range of concerns including: problems of slow access to new products, restrictions on access to information about certain medical treatments, and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony received at that hearing, three bills were introduced in the House: (1) H.R. 3199, the Drug and Biological Products Reform Act of 1996; (2) H.R. 3200, the Food Amendments and Animal Drugs Availability Act of 1996; and (3) H.R. 3201, the Medical Device Reform Act of 1996. The Subcommittee on Health and Environment held legislative hearings on these three bills on May 1 and May 2, 1996. For the legislative history of the H.R. 3199, H.R. 3200, and H.R. 3201, see the discussion of those bills in this section.

### HEALTH CARE REFORM: REFORMING THE SMALL BUSINESS MARKETPLACE AND THE INDIVIDUAL HEALTH INSURANCE MARKET

The Subcommittee on Health and Environment held an oversight hearing on March 7, 1996, on health care reform and the problems of the small business marketplace and the individual health insurance market. The purpose of this hearing was to focus on the national problem of the small business market and its concentration of uninsured workers and their families. Witnesses included officials from the health insurance industry and private sector businesses.

Forty-eight percent of uncovered workers are employed by businesses with fewer than 25 employees. Over the past decade, the small business group market for health insurance has evolved gradually away from cross-subsidization of the costs of health insurance coverage. For many years, health insurers used community rating systems for small businesses in which low-risk individuals and groups subsidized the costs of higher risk segments. Therefore, with community rating, everyone paid the same price for insurance coverage. Today, due to competitive pressures in the marketplace, community rating, is being replaced by experience rating, in which a group or individual pays according to risk determined by medical underwriting. With experience rating, some groups and individuals pay higher rates or cannot find coverage at all. Consequently, classifications of risk have reduced the degree of cross-subsidy in the cost of health insurance.

Testimony received at the hearing assisted the Committee in the development of both H.R. 3070, the Health Coverage Availability and Affordability Act of 1996, which was reported to the House on March 25, 1996, and H.R. 3103, the Health Insurance Portability and Accountability Act of 1996, which was enacted into law (P.L. 104-191). For the legislative history of H.R. 3070 and H.R. 3101, see the discussions of the Health Insurance Portability and Accountability Act of 1996 in this section.

### CONTRACT ISSUES AND QUALITY STANDARDS FOR MANAGED CARE

On May 30, 1996, the Subcommittee on Health and Environment held a hearing on contract provisions that providers claim restrict their ability to communicate openly with their patients regarding medical treatment, commonly known as "gag clauses." Witnesses included representatives from insurance groups, medical associations, health care organizations, and individuals.

Testimony received at the hearing assisted the Committee during its consideration of H.R. 2976, the Patient Right to Know Act of

1996, which was reported to the House on September 28, 1996. For the legislative history of H.R. 2976, see the discussion of the Patient Right to Know Act of 1996 in this section.

### REAUTHORIZATION OF EXISTING PUBLIC HEALTH SERVICE ACT PROGRAMS

On August 1, 1996, the Subcommittee on Health and Environment held a hearing on reauthorization of programs under the Public Health Service Act. Programs examined were Community Health Centers, Migrant Health Centers, Health Care for the Homeless, Health Services for Residents of Public Housing, and programs of the Substance Abuse and Mental Health Services Administration (SAMHSA). Witnesses included representatives from Health and Human Services (HHS), health networks, community groups, and State directors for alcohol/drug abuse and mental health.

Testimony received at the hearing provided the Committee with valuable information during House consideration of S. 1044, the Health Centers Consolidation Act of 1996, which was enacted into law as P.L. 104-299. For the legislative history of S. 1044, see the discussions of the Health Centers Consolidation Act of 1996 in this section.

### HEARINGS HELD

*Risk Assessment and Cost/Benefit Analysis for New Regulations.*—Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. Hearing held on February 1, 1995. PRINTED, Serial Number 104-3.

*Risk Assessment and Cost/Benefit Analysis for New Regulations.*—Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials on Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. Hearing held on February 2, 1995. PRINTED, Serial Number 104-3.

*Medicare Select and Medicare Managed Care Issues.*—Oversight Hearing on the Medicare Select Program and Issues Related to Managed Care. Hearing held on February 15, 1995. PRINTED, Serial Number 104-6.

*Medicare Extenders in the President's Fiscal Year 1996 Budget.*—Oversight Hearing on Medicare Extenders in the President's Fiscal Year 1996 Budget. Hearing held on March 14, 1995. PRINTED, Serial Number 104-11.

*Budgetary Effects of the Growth of Health Care Entitlements.*—Oversight Hearing on the Budgetary Effects of the Growth of Health Care Entitlements. Hearing held on March 28, 1995. PRINTED, Serial Number 104-17.

*Reauthorization of the Ryan White CARE Act.*—Oversight Hearing on the Reauthorization of the Ryan White CARE Act. Hearing held on April 5, 1995. PRINTED, Serial Number 104-19.

*HIV Testing of Women and Infants.*—Oversight Hearing on HIV testing of Women and Infants. Hearing held on May 11, 1995. PRINTED, Serial Number 104-22.

*Waste, Fraud and Abuse in the Medicare Program.*—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on Waste, Fraud and Abuse in the Medicare Program. Hearing held on May 16, 1995. PRINTED, Serial Number 104-21.

*Food Quality Protection Act of 1995.*—Hearing on H.R. 1627, the Food Quality Protection Act of 1995. Hearing held on June 7, 1995. PRINTED, Serial Number 104-76.

*Transformation of the Medicaid Program—Part 1.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on June 8, 1995. PRINTED, Serial Number 104-106.

*Transformation of the Medicaid Program—Part 1.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on June 15, 1995. PRINTED, Serial Number 104-106.

*Transformation of the Medicaid Program—Part 2.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on June 21, 1995. PRINTED, Serial Number 104-107.

*Transformation of the Medicaid Program—Part 2.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on June 22, 1995. PRINTED, Serial Number 104-107.

*The Future of the Medicare Program.*—Oversight Hearing on The Future of the Medicare Program. Hearing held on June 28, 1995. PRINTED, Serial Number 104-72.

*Food Quality Protection Act of 1995.*—Hearing on H.R. 1627, the Food Quality Protection Act of 1995. Hearing held on June 29, 1995. PRINTED, Serial Number 104-76.

*The Future of the Medicare Program.*—Oversight Hearing on The Future of the Medicare Program. Hearing held on July 12, 1995. PRINTED, Serial Number 104-72.

*The Future of the Medicare Program.*—Oversight Hearing on The Future of the Medicare Program. Hearing held on July 18, 1995. PRINTED, Serial Number 104-72.

*Waste, Fraud and Abuse in the Medicare Program.*—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on Waste, Fraud and Abuse in the Medicare Program. Hearing held on July 19, 1995. PRINTED, Serial Number 104-26.

*Research Efforts with Respect to Combating Parkinson's Disease and Other Neurological Disorders.*—Oversight Hearing on Research Efforts with Respect to Combating Parkinson's Disease and Other Neurological Disorders. Hearing held on July 21, 1995. PRINTED, Serial Number 104-68.

*Transformation of the Medicaid Program—Part 3.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on July 26, 1995. PRINTED, Serial Number 104-108.

*Standards for Health Plans Providing Coverage in the Medicare Program.*—Joint Oversight Hearing with the Committee on Ways and Means Subcommittee on Health on Standards for Health Plans Providing Coverage in the Medicare Program. Hearing held on July 27, 1995. PRINTED, Serial Number 104-71.

*Transformation of the Medicaid Program—Part 3.*—Oversight Hearing on the Transformation of the Medicaid Program. Hearing held on August 1, 1995. PRINTED, Serial Number 104-107.

*The Future of the Medicare Program.*—Oversight Hearing on The Future of the Medicare Program. Hearing held on August 3, 1995. PRINTED, Serial Number 104-72.

*Clean Air Act Amendments.*—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Implementation and Enforcement of the Clean Air Act Amendments of 1990, focusing on Title I, National Ambient Air Quality Standards. Hearing held on November 9, 1995. PRINTED, Serial Number 104-55.

*Clean Air Act Amendments of 1990 and the Impact of the Seventh Meeting of the Parties to the Montreal Protocol.*—Oversight Hearing held on Title VI of the Clean Air Act and the Impact of the Seventh Meeting of the Parties to the Montreal Protocol. Hearing held on January 25, 1996. PRINTED Serial Number 104-69.

*Priorities for the Reauthorization of the Safe Drinking Water Act.*—Oversight Hearing held on the Priorities for Reauthorization of the Safe Drinking Water Act. Hearing held on January 31, 1996. PRINTED, Serial Number 104-57.

*The Need for FDA Reform.*—Oversight Hearing on the Need for FDA Reform. Hearing held on February 27, 1996. PRINTED, Serial Number 104-77.

*Health Care Reform: Reforming the Small Business Marketplace and the Individual Health Insurance Market.*—Oversight Hearing on Health Care Reform: Reforming the Small Business Marketplace and the Individual Health Insurance Market. Hearing held on March 7, 1996. PRINTED, Serial Number 104-79.

*FDA Reform Legislation.*—Hearing on H.R. 3199, the Drug and Biological Products Reform Act of 1996; H.R. 3200, the Food Amendments and Animal Drug Availability Act of 1996; and H.R. 3201, the Medical Device Reform Act of 1996. Hearing held on May 1, 1996. PRINTED, Serial Number 104-99.

*FDA Reform Legislation.*—Hearing on H.R. 3199, the Drug and Biological Products Reform Act of 1996; H.R. 3200, the Food Amendments and Animal Drug Availability Act of 1996; and H.R. 3201, the Medical Device Reform Act of 1996. Hearing held on May 2, 1996. PRINTED, Serial Number 104-99.

*Contract Issues and Quality Standards for Managed Care.*—Oversight Hearing on Contract Issues and Quality Standards for Managed Care. Hearing held on May 30, 1996. PRINTED, Serial Number 104-110.

*Reauthorization of Existing Public Health Service Act Programs.*—Oversight Hearing on the Reauthorization of Existing Public Health Services Act Programs. Hearing held on August 1, 1996. PRINTED, Serial Number 104-116.

*The Uniformed Services Medicare Subvention Demonstration Project Act.*—Hearing on H.R. 3142, the Uniformed Services Medicare Subvention Demonstration Project Act, and the Military Beneficiaries Medicare Reimbursement Model Project Act of 1996. Hearing held on September 19, 1996. PRINTED, Serial Number 104-115.

## SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 14-11)

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*Vice Chairman*
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JOHN D. DINGELL, Michigan
(Ex Officio)

*Jurisdiction:* National energy policy generally; fossil energy, renewable energy resources and synthetic fuels; energy conservation; energy regulation and utilization; utility issues and regulation of nuclear facilities; nuclear energy and waste; mining, oil, gas, and coal combustion wastes; all laws, programs, and government activities affecting such matters.

## LEGISLATIVE ACTIVITIES

### ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

### Public Law 104-58 (S. 395, H.R. 70, H.R. 1122)

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaskan North Slope crude oil, and for other purposes.

*Summary*

The purpose of S. 395 is to authorize and direct the Secretary of Energy to sell the Alaska Power Administration and authorize exports of Alaskan North Slope crude oil.

*Title I—Alaska Power Administration Asset Sale and Termination Act*

S. 395 authorizes and directs the Secretary of Energy to sell and transfer two hydroelectric projects in Alaska pursuant to a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the State of Alaska and a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the Eklutna Purchasers. S. 395 provides an exemption from the Federal Power Act for the two projects. S. 395 creates an enforcement mechanism for the Memorandum of Understanding regarding the protection and enhancement of fish and wildlife. S. 395 provides for termi-

nation of the Alaska Power Administration of the Department of Energy.

*Title II—Exports of Alaskan North Slope Oil*

S. 395 also amends the Energy Policy and Conservation Act and the Export Administration Act to allow crude oil transported through the Trans-Alaska Pipeline to be exported.

*Legislative History*

On April 27, 1995, the Senate Committee on Energy and Natural Resources reported S. 395 to the Senate (S. Rpt. 104-78). The Senate considered S. 395 on May 15 and May 16, 1995, and passed the bill on May 16, 1995, by a roll call vote of 74 yeas to 25 nays. S. 395 was received in the House and held at the Speaker's desk on May 18, 1995. As passed by the Senate, S. 395 included provisions dealing with both the export of Alaskan North Slope oil and the sale of the Alaska Power Administration.

H.R. 70 was introduced in the House on January 5, 1995, by Mr. Thomas, Mr. Young of Alaska, Mr. Rohrbacher, Mr. Doolittle, Mr. Dooley, Mr. Gallegly, and Mr. Archer. The purpose of the bill was to permit exports of certain domestically produced crude oil. H.R. 70 was referred to the Committee on Resources, and in addition to the Committee on International Relations. On June 15, 1995, the Committee on Resources reported H.R. 70 to the House (H. Rpt. 104-139, Part 1). Referral of the bill to the Committee on International Relations was extended for a period ending not later than June 15, 1995. On June 15, 1995, the Committee on International Relations was discharged from further consideration of H.R. 70.

The Committee on Resources also reported to the House H.R. 1122, the Alaska Power Administration Sale Act, on July 13, 1995 (H. Rpt. 104-187, Part 1). This bill was introduced in the House on March 3, 1995, and referred to the Committee on Resources, and in addition to the Committee on Commerce. For the legislative history of H.R. 1122, see the discussion of the Alaska Power Administration Sale Act in this section.

During the Resources Committee's consideration of H.R. 70, the Committee on Commerce worked with the Resources Committee to develop legislative language to address concerns about provisions of the bill that fell within the Committee on Commerce's jurisdiction. As a result of these negotiations, an agreement was reached on changes which would be offered as a Floor amendment to H.R. 70. On June 14, 1995, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Resources indicating that, based on the agreement reached between the two Committees and in order to expedite consideration, the Commerce Committee would not seek a sequential referral of H.R. 70. On June 20, 1995, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Rules Committee supporting the request for a rule on H.R. 70 and a link-up provision with S. 395 that would allow its passage following House action on H.R. 70.

The Chairman of the Committee on Resources, in response, sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdiction and pledging to sup-

port the Committee's jurisdictional prerogatives as H.R. 70 and S. 395 proceeded through the legislative process.

On July 24, 1995, the House passed H.R. 70, as amended, by a roll call vote of 324 yeas to 77 nays. On July 25, the House, by a voice vote, passed S. 395, amended with the text of H.R. 70, as passed by the House. The House insisted upon its amendments, requested a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The Senate disagreed to the House amendments, agreed to a conference with the House, and appointed conferees on August 5, 1995.

Conference meetings were held on September 29, 1995, and November 6, 1995. The conferees agreed to file a conference report on November 6, 1995, and the conference report was filed in the House that day (H. Rpt. 104-312). In addition to amendments to the Trans-Alaska Pipeline Act, the conference report included provisions relating to the sale of assets of the Alaska Power Administration, which were similar to those contained in H.R. 1122, the Alaska Power Administration Sale Act, which had been referred to the Committee on Resources, and in addition to the Committee on Commerce. The House agreed to the conference report on November 8, 1995, by a roll call vote of 289 yeas to 134 nays. The Senate agreed to the conference report on November 14, 1995, by a roll call vote of 69 yeas to 29 nays. S. 395 was presented to the President on November 16, 1995. The President signed S. 395 into law on November 28, 1995 (P.L. 104-58).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

### Public Law 104-106 (S. 1124, H.R. 1530)

### (Energy Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal government, and for other purposes.

*Summary*

Public Law 104-106 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with energy related issues. Although Members of the Committee on Commerce were not appointed as conferees on S. 1124, they were appointed as conferees on H.R. 1530, the predecessor legislation to S. 1124 which was vetoed by the President, for these provisions and participated in the negotiations which led to the agreements ultimately contained in Public Law 104-106.

Section 4304 of Public Law 104-106 affects provisions of the Department of Energy Organization Act (P.L. 95-91, as amended) and the Energy Policy and Conservation Act (P.L. 94-163, as amended) under the jurisdiction of the Committee. The section repeals certain ethics reporting requirements made obsolete by the Ethics in Government Act (P.L. 95-521, as amended).

Section 3157 of Public Law 104-106 includes a "Sense of Congress" resolution that individuals should not be personally subject to a civil or criminal sanction for failure to comply with an environmental cleanup requirement under the Resource Conservation and Recovery Act (P.L. 89-272, as amended) or the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510, as amended) where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement. This section clearly involves statutes under the jurisdiction of the Committee on Commerce.

Section 3161 of Public Law 104-106 was added during Senate consideration and extends the authorization for assistance payments to the Los Alamos School Board and Los Alamos County in New Mexico under the Atomic Energy Community Act of 1955 (chap. 543, 69 stat. 471), a statute under the jurisdiction of the Committee on Commerce.

Sections 3401 through 3416 of Public Law 104-106 contain a provision to sell, to the highest bidder above the minimum acceptable bid, the Naval Petroleum Reserve Number 1 located at Elk Hills, California, by the end of Fiscal Year 1996. This language is similar to the language agreed to by the Committee on Commerce as part of the Committee Print entitled "Naval Petroleum Reserve" on September 13, 1995.

*Legislative History*

On August 7, 1995, the Senate Committee on Armed Services reported S. 1124 to the Senate as an original measure (No Written Report).

On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. Following the passage of H.R. 1530, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 1124 and passed the bill amended with the text of Division A of S. 1026, as amended by the Senate. S. 1124 was received in the House on September 14, 1995, and held at the Speaker's desk. For the legislative history of H.R. 1530, see the discussion of that bill in this section.

On December 30, 1995, the President vetoed H.R. 1530. The House failed to override the veto on January 3, 1996, by a roll call vote of 240 yeas to 156 nays. On January 5, 1996, the House then took S. 1124 from the Speaker's desk by unanimous consent, and, by a voice vote, passed the bill amended with the text of H.R. 1530 as reported by the committee of conference on December 13, 1995, as contained in H. Rpt. 104-406. The House insisted on its amendment, requested a conference with the Senate, and appointed conferees. Although Members of the Committee on Commerce had been appointed as conferees on H.R. 1530, the predecessor legislation to S. 1124, they were not appointed conferees on S. 1124 because the issues within the jurisdiction of the Committee on Commerce were resolved during the conference on H.R. 1530 and were not the subject of the President's veto of that bill.

On January 5, 1996, the Senate disagreed to the House amendment to S. 1124, agreed to a conference with the House, and appointed conferees. Conference meetings were held on January 18 and January 19, 1996. On January 19, 1996, the conferees agreed to file a conference report. The conference report was filed in the House on January 22, 1996 (H. Rpt. 104-450). The provisions of the conference report dealing with those issues under the jurisdiction of the Committee on Commerce were identical to those contained in the conference report on H.R. 1530.

The House agreed to the conference report on January 24, 1996, by a roll call vote of 287 yeas to 129 nays. The Senate agreed to the conference report on January 26, 1996, by a roll call vote of 56 yeas to 34 nays. On January 30, 1996, S. 1124 was presented to the President. On February 10, 1996, the President signed S. 1124 into law (P.L. 104-106).

## CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

### Public Law 104-121 (H.R. 3136, H.R. 994)

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

*Summary*

Public Law 104-121, the Contract with America Advancement Act of 1996, is a three-title bill which includes: (1) provisions concerning regulatory reform and Congressional review of rulemaking activities by Federal departments and agencies, including those under the jurisdiction of the Committee on Commerce; and (2) provisions relating to health issues.

Title I of H.R. 3136, the Senior Citizens Right to Work Act of 1996, amends Title II of the Social Security Act (SSA) to allow persons of retirement age to increase their earnings under the earnings limits set by the SSA.

Title I includes a provision under the Commerce Committee's jurisdiction which directs the Commissioner of Social Security to: (1) ensure that funds made available for continuing disability reviews are used, to the greatest extent practicable, to maximize the combined savings in the Old-Age, Survivors, and Disability Insurance (OASDI), Supplemental Security Income (SSI), Medicare, and Medicaid programs; and (2) provide annually, at the conclusion of each of the 7 years from Fiscal Year 1996 through Fiscal Year 2002, a report to Congress on continuing disability reviews that includes the results of such reviews in terms of cessations of benefits or determinations of continuing eligibility, by program.

Title II of H.R. 3136, the Small Business Regulatory Enforcement Fairness Act of 1996, provides regulatory reform for small businesses, as defined in Title II, and Congressional review of Federal agency rules. The major provisions of Title II are as follows:

(1) requires agencies to provide increased compliance assistance to small businesses;

(2) requires the Small Business Administration (SBA) to designate a "Small Business and Agriculture Regulatory Enforcement

Ombudsman" to provide a confidential channel for audited small businesses to comment on such procedures;

(3) requires the SBA to establish regional "Small Business Regulatory Fairness Boards" to report to the Ombudsman;

(4) allows administrative and judicial courts to award fees and costs to small businesses if the judgment demanded by an agency is substantially in excess of that awarded;

(5) amends the Regulatory Flexibility Act to require an analysis by the promulgating agency of the effects of a rule on small businesses; and

(6) lays out a framework for Congressional review of newly promulgated agency rules.

This legislation will require the Subcommittee on Energy and Power to review recently promulgated rules by the Federal agencies and departments within its jurisdiction, including the Department of Energy, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

Title III of H.R. 3136, Public Debt Limit, raises the public debt limit to $5.5 trillion.

*Legislative History*

On February 21, 1995, H.R. 994, the Regulatory Sunset and Review Act of 1995, was introduced in the House by Representatives Chapman, Mica, DeLay, Deal of Georgia, and Geren of Texas. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary.

On October 19, 1995, the Committee on Government Reform and Oversight reported H.R. 994 to the House (H. Rpt. 104-284, Part 1). The referral of the bill to the Committee on the Judiciary was extended for a period ending not later than November 3, 1995. On October 26, 1995, H.R. 994, as reported by the Committee on Government Reform and Oversight, was referred to the Committee on Commerce, sequentially, for a period ending not later than November 3, 1995.

On October 25, 1995, the Committee on Commerce scheduled a Full Committee hearing on H.R. 994. On October 30, 1995, the Full Committee hearing was cancelled because of scheduling conflicts. In lieu of the Full Committee hearing, the Committee conducted a briefing on November 3, 1995, at which representatives of the Office of Management and Budget, the Consumer Product Safety Commission, the Nuclear Regulatory Commission, the Department of Energy, the Department of Transportation, the Federal Trade Commission, the Environmental Protection Agency, the Securities Exchange Commission, and the Food and Drug Administration presented the views of their respective departments and agencies on the impact of, and concerns with, the provisions of H.R. 994, as reported to the House by the Committee on Government Reform and Oversight.

On November 3, 1995, the referral of H.R. 994 to the Committee on the Judiciary was extended for a period ending not later than November 7, 1995. On November 3, 1995, the Committee on Commerce was discharged from further consideration of H.R. 994. On November 7, 1995, the Committee on the Judiciary reported H.R. 994 to the House (H. Rpt. 104-284, Part 2). On February 29, 1996,

the Rules Committee met and granted a rule providing for the consideration of H.R. 994. The rule was filed in the House as H. Res. 368 on February 29, 1996. H. Res. 368 made in order, as an original bill for purposes of amendment, an Amendment in the Nature of a Substitute to be offered by Mr. Hyde and printed in the *Congressional Record* (Printed in the *Congressional Record* on February 29, 1996.) On April 17, 1996, H. Res. 368 was laid on the table by unanimous consent.

On March 21, 1996, Mr. Archer introduced H.R. 3136 in the House. H.R. 3136 contained language similar to H.R. 994. As introduced in the House, Title II, Subtitles A through D, of H.R. 3136 aimed to achieve the same goal as Sections 102 and 103 of H.R. 994, as scheduled for consideration by the House under the provisions of H. Res. 368. The goal of Sections 102 and 103, "Rules Commented on by SBA Chief Counsel for Advocacy" and "Sense of Congress Regarding SBA Chief Counsel for Advocacy," respectively, was to achieve a streamlined and effective regulatory process for small businesses. Additionally, Subtitle E of Title II of H.R. 3136, "Congressional Review," contains only one section, Section 807, that differs from Title III of H.R. 994, as scheduled for consideration by the House.

H.R. 3136 was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, the Committee on Rules, the Committee on the Judiciary, the Committee on Small Business, and the Committee on Government Reform and Oversight.

On March 27, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3136. The rule was filed in the House on March 27, 1996 as H. Res. 391 (H. Rpt. 104-500). On March 28, 1996, the House passed H. Res. 391 by a roll call vote of 232 yeas to 177 nays. H. Res. 391 provided, among other things, that amendments printed in the Committee report on H. Res. 391 shall be considered as adopted.

The House considered H.R. 3136 on March 28, 1996, and passed the bill, by a roll call vote of 328 yeas to 91 nays. On March 28, 1996, H.R. 3136 was received in the Senate. The Senate proceeded to the immediate consideration of H.R. 3136 on March 28, 1996, and passed the bill without amendment.

On March 29, 1996, H.R. 3136 was presented to the President. The President signed H.R. 3136 into law on March 29, 1996 (P.L. 104-121).

## OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

### Public Law 104-134 (H.R. 3019)

### (Energy Related Provisions)

Making appropriations for Fiscal Year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

*Summary*

H.R. 3019 served as an omnibus continuing appropriations measure for those Federal agencies which did not have individual Fiscal

Year 1996 appropriations measures enacted into law. Affected agencies and entities included the Departments of Justice, Commerce, State, Labor, Health and Human Services, Education, Veterans Affairs, and Housing and Urban Development. Independent agencies such as the Environmental Protection Agency, as well as the District of Columbia, were also funded by the bill. Additionally, a number of legislative provisions, some affecting the jurisdiction of the Committee on Commerce, were included in H.R. 3019. The Committee on Commerce supported the inclusion of these provisions in H.R. 3019.

Specifically, Public Law 104-134 includes provisions (Title III—Rescissions and Offsets, Chapter 1—Energy and Water Development, Subchapter A—United States Enrichment Corporation Privatization) relating to the privatization of the United States Enrichment Corporation (USEC). These provisions are similar to legislative language reported by the Committee on Commerce in H.R. 1216 and included in both H.R. 1215 and H.R. 2491 as passed by the House. For the legislative history of those bills, see the discussions of H.R. 1216, H.R. 1215, and H.R. 2491 in this section.

Section 3101 of Public Law 104-134 contains the short title of the subchapter. Section 3102 provides definitions for the purposes of USEC privatization. Section 3103 contains provisions authorizing the sale of the corporation, and directing that proceeds from the sale of the corporation be deposited in the U.S. Treasury.

Section 3104 provides specific direction on the method of the sale of the corporation, ensuring that U.S. securities laws apply to the sale and allowing the Department of Treasury to block the sale if it determines that the sale will not provide maximum proceeds to the Treasury. Section 3105 contains provisions providing for the establishment of the private corporation. Section 3106 provides for the transfer of certain assets of USEC to the privatized corporation, including USEC monies currently held by the U.S. Treasury.

Section 3107 contains provisions relating to the transfer of leases for DOE's gaseous diffusion facilities, including the division of responsibility for environmental remediation. Section 3108 provides for the transfer of contracts from USEC to the privatized corporation, including contracts for uranium enrichment activities and power purchase.

Section 3109 contains provisions relating to the liabilities of the United States and the corporation upon privatization. Section 3110 provides for certain employee protections as USEC workers are moved to the privatized corporation. Section 3111 contains provisions on ownership limitations to ensure that current USEC employees do not unfairly benefit from their involvement in privatization activities.

Section 3112 provides the conditions under which the DOE may engage in uranium activities, and establishes the framework for operation of the U.S.-Russian HEU Agreement under the privatized corporation. Section 3113 contains provisions reasserting the Federal government's ownership of low-level radioactive wastes associated with uranium enrichment activities. Section 3114 provides for USEC to have exclusive rights to commercialize its Atomic Vapor Laser Isotope Separation technology.

Section 3115 provides for the application of certain laws, including the Occupational Safety and Health Act, the Atomic Energy Act, the Energy Reorganization Act, and the Nation's antitrust laws. Section 3116 contains various amendments to the Atomic Energy Act. Section 3117 provides for conforming changes to other laws for the purposes of implementing the USEC Privatization Act.

*Legislative History*

H.R. 3019 was introduced in the House on March 5, 1996, by Mr. Livingston and referred to the Committee on Appropriations, and in addition to the Committee on the Budget. On March 7, 1996, the House passed H. Res. 372, a rule providing for immediate consideration of H.R. 3019 in the House. The House then considered and passed H.R. 3019 by a roll call vote of 209 yeas to 206 nays.

On March 11, 1996, H.R. 3019 was received in the Senate, read twice, and laid before the Senate. The Senate considered H.R. 3019 on March 11, March 12, March 13, March 14, March 15, March 18, and March 19, 1996. During Senate consideration, an amendment was adopted to incorporate USEC privatization provisions. On March 19, 1996, the Senate passed H.R. 3019, amended, by a roll call vote of 79 yeas to 21 nays. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees.

On March 21, 1996, the House disagreed to the Senate amendment to H.R. 3019, agreed to a conference with the Senate, and appointed conferees. Conference meetings were held on March 21, March 27, March 28, March 29, and April 24, 1996; and on April 24, 1996, the conferees agreed to file a conference report. The conference report on H.R. 3019 was filed in the House on April 25, 1996 (H. Rpt. 104-537). On that same date, the House agreed to the conference report by roll call vote of 399 yeas to 25 nays. The Senate agreed to the conference report on April 25, 1996 by a roll call vote of 88 yeas to 11 nays. On April 25, 1996, H.R. 3019 was presented to the President. On April 26, 1996, the President signed H.R. 3019 into law (P.L. 104-134).

## EXTENSION OF CERTAIN HYDROELECTRIC PROJECTS LOCATED IN THE STATE OF WEST VIRGINIA

Public Law 104-173 (H.R. 1051, S. 359, S. 737)

To provide for the extension of certain hydroelectric projects located in the State of West Virginia.

*Summary*

The purpose of H.R. 1051 is to extend the statutory deadline for the commencement of construction of two hydroelectric projects in West Virginia.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension

of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1051 extends the deadline for the commencement of construction for two projects for 6 years. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1051 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On February 24, 1995, Mr. Mollohan introduced H.R. 1051. The Subcommittee on Energy and Power held a hearing on H.R. 1051 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session to consider H.R. 1051 on October 18, 1995, and the bill was approved for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 1051 on October 25, 1995, and ordered the bill reported, without amendment, by a voice vote, to the House. The Committee reported H.R. 1051 to the House on November 7, 1995 (H. Rept. 104-319).

The House considered and passed H.R. 1051 under Suspension of the Rules on November 13, 1995. H.R. 1051, as passed by the House, was received in the Senate on November 14, 1995, read twice, and placed on the Senate Calendar.

On April 27, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 359, to the Senate (S. Rpt. 104-71). Similar legislative language was also included in S. 737, which was also reported to the Senate by the Committee on Energy and Natural Resources on April 27, 1995 (S. Rpt. 104-77).

On July 25, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1051 and passed the bill without amendment. H.R. 1051 was presented to the President on August 1, 1996. The President signed H.R. 1051 into law on August 6, 1996 (P.L. 104-173).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

### Public Law 104-201 (H.R. 3230, S. 1745)

### (Energy Related Provisions)

To authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

Public Law 104-201 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with energy related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the negotiations which led to the agreements reflected in the public law.

Section 2863 of Public Law 104-201 allows the Secretary of the Air Force to conduct an electricity distribution demonstration project at the Youngstown Air Reserve Station in Ohio. Specifically, this section allows a utility or other company to purchase or operate the base's electric distribution facilities consistent with existing State and Federal rates and regulations.

Section 3173 of Public Law 104-201 gives the site managers at certain Department of Energy (DOE) facilities greater operational flexibility, and affects the implementation of environmental restoration at Department of Energy sites. These provisions implicate both the Department of Energy Organization Act (P.L. 95-91, as amended) and the various environmental statutes, including the Comprehensive Environmental Response, Compensation and Liability Act (P.L. 96-510, as amended) under the Committee on Commerce's jurisdiction. During original House consideration, as well as through conference negotiations, the Committee on Commerce worked to ensure responsible legislative language in the bill.

Section 3174 of Public Law 104-201 relates to Department of Energy orders at DOE sites, and seeks to limit the negative bureaucratic and time-consuming effect such orders have on site operations. During original House consideration, as well as throughout conference negotiations, the Committee on Commerce supported inclusion of this language.

Sections 3181-3191 (Division C—Department of Energy National Security Authorizations and Other Authorizations, Title XXXI—Department of Energy National Security Programs, Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act Amendments) of Public Law 104-201 were added during Senate consideration of the bill, and relate to the Waste Isolation Pilot Plant. The provisions are nearly identical to legislation reported to the House by the Committee on Commerce (H.R. 1663) on April 25, 1996, and seek to eliminate duplicative and outdated statutory language in the Waste Isolation Pilot Plant Land Withdrawal Act (P.L. 102-579). During conference negotiations, the Committee worked to ensure that the language comported with the legislation already approved by the Committee on Commerce, and supported the inclusion of the final language in the conference report. For the legislative history of H.R. 1663, see the discussion of that bill in this section.

*Legislative History*

H.R. 3230 was introduced in the House on April 15, 1996, by Mr. Spence and Mr. Dellums and referred to the Committee on National Security. On May 7, 1996, the Committee on National Security reported H.R. 3230 to the House (H. Rpt. 104-563). The House considered H.R. 3230 on May 14 and 15, 1996, and on May 15, 1996, passed the bill, as amended, by a roll call vote of 272 yeas to 153 nays. On May 17, 1996, H.R. 3230 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 13, 1996, the Senate Committee on Armed Forces reported a companion bill, S. 1745, to the Senate (S. Rpt. 104-267). On May 15, 1996, S. 1745 was referred to the Senate Committee on Intelligence, which reported the bill to the Senate on June 11, 1996 (S. Rpt. 104-278). The Senate considered S. 1745 on June 18, June 19, June 20, June 24, June 25, June 26, June 27, June 28,

and July 10, 1996. On July 10, 1996, the Senate passed S. 1745 by a roll call vote of 68 yeas to 31 nays. The Senate, by unanimous consent, then took H.R. 3230 from the Senate Calendar and passed the bill, amended with the text of S. 1745 as passed by the Senate. The Senate insisted on its amendment, requested a conference with the House, and appointed conferees.

On July 17, 1996, the House disagreed to the Senate amendment to H.R. 3230, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 3230 was filed in the House on July 30, 1996 (H. Rpt. 104-724). The House agreed to the conference report on August 1, 1996, by a roll call vote of 285 yeas to 132 nays. The Senate considered the conference report on September 9 and September 10, 1996, and agreed to the conference by a roll call vote of 73 yeas to 26 nays on September 10, 1996.

H.R. 3230 was presented to the President on September 13, 1996. On September 23, 1996, the President signed H.R. 3230 into law (P.L. 104-201.)

## CONSTRUCTION OF THREE HYDROELECTRIC PROJECTS IN THE STATE OF ARKANSAS

### Public Law 104-241 (H.R. 657, S. 549, S. 737)

To extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

*Summary*

The purpose of H.R. 657 is to extend the statutory deadline for the commencement of construction of three hydroelectric projects in Arkansas.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 657 extends the deadline for the commencement of construction for three projects for up to a maximum of three consecutive 2-year periods. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 657 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On January 24, 1995, Mrs. Lincoln introduced H.R. 657. The Subcommittee on Energy and Power held a hearing on H.R. 657 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session on October 18, 1995, and approved

H.R. 657, without amendment, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 657 on October 25, 1995, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 657 to the House on November 7, 1995 (H. Rept. 104-315).

The House considered and passed H.R. 657 under Suspension of the Rules by a roll call vote of 404 yeas to 0 nays on November 13, 1995. H.R. 657, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on November 14, 1995. On April 27, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 549, to the Senate (S. Rpt. 104-76). Similar legislative language was also included in S. 737, which was also reported to the Senate by the Committee on Energy and Natural Resources on April 27, 1995 (S. Rpt. 104-77).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 657 and passed the bill without amendment. H.R. 657 was presented to the President on September 30, 1996. The President signed H.R. 657 into law on October 9, 1996 (P.L. 104-241).

## TO EXTEND THE TIME FOR CONSTRUCTION OF CERTAIN FERC LICENSED HYDRO PROJECTS

### Public Law 104-242 (H.R. 680, S. 1012)

To extend the time for construction of certain FERC licensed hydro projects.

*Summary*

The purpose of H.R. 680 is to extend the statutory deadline for the commencement of construction of two hydroelectric projects in New York.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 680 extends the deadline for the commencement of construction for two projects for up to a maximum of three consecutive 2-year periods. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 680 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On January 25, 1995, Mr. Solomon and Mr. McNulty introduced H.R. 680 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 680 on October 18, 1995. Testimony was re-

ceived from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session to consider H.R. 680 on October 18, 1995, and approved the bill, without amendment, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 680 on October 25, 1995, and ordered the bill reported, by a voice vote, to the House, without amendment. The Committee reported H.R. 680 to the House on November 7, 1995 (H. Rept. 104-316).

The House considered and passed H.R. 680 under Suspension of the Rules on November 13, 1995, by a voice vote. H.R. 680, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on November 14, 1995.

On October 19, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 1012, to the Senate (S. Rpt. 104-162).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 680 and passed the bill without amendment. H.R. 680 was presented to the President on September 30, 1996. The President signed H.R. 680 into law on October 9, 1996 (P.L. 104-242).

## CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF OHIO

### Public Law 104-243 (H.R. 1011, S. 468)

To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

*Summary*

The purpose of H.R. 1011 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in Ohio.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1011 extends the deadline for the commencement of construction for a project in Ohio for up to a maximum of three consecutive 2-year periods. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1011 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On February 22, 1995, Mr. Sawyer introduced H.R. 1011. The Subcommittee on Energy and Power held a hearing on H.R. 1011 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session to consider H.R. 1011 on

October 18, 1995, and the bill was approved for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 1011 on October 25, 1995, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 1011 to the House on November 7, 1995 (H. Rept. 104-317).

The House considered and passed H.R. 1011 under Suspension of the Rules on November 13, 1995, by a voice vote. H.R. 1011, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on November 14, 1995.

On July 11, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 468, to the Senate (S. Rpt. 104-104).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1011 and passed the bill without amendment. H.R. 1011 was presented to the President on September 30, 1996. The President signed H.R. 1011 into law on October 9, 1996 (P.L. 104-243).

## TO AUTHORIZE EXTENSION OF TIME LIMITATION FOR A FERC-ISSUED HYDROELECTRIC LICENSE

### Public Law 104-244 (H.R. 1014, S. 461, S. 737)

To authorize extension of time limitation for a FERC-issued hydroelectric license.

*Summary*

The purpose of H.R. 1014 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in Washington.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1014 extends the deadline for the commencement of construction for a project in Washington for up to a maximum of three consecutive 2-year periods. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1014 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On February 22, 1995, Mr. Hastings of Washington introduced H.R. 1014 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 1014 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session

to consider H.R. 1014 on October 18, 1995, and approved the bill, as amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 1014 on October 25, 1995, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 1014 to the House on November 7, 1995 (H. Rept. 104-318).

The House considered and passed H.R. 1014 under Suspension of the Rules on November 13, 1995. H.R. 1014, as passed by the House, was received in the Senate on November 15, 1995, and referred to the Senate Committee on Energy and Natural Resources.

On April 27, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 461, to the Senate (S. Rpt. 104-73). Similar legislative language was also included in S. 737, which was also reported to the Senate by the Committee on Energy and Natural Resources on April 27, 1995 (S. Rpt. 104-77).

On June 28, 1996, the Senate Committee on Energy and Natural Resources reported H.R. 1014 to the Senate (S. Rpt, 104-313). On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1014 and passed the bill without amendment. H.R. 1014 was presented to the President on September 30, 1996. The President signed H.R. 1014 into law on October 9, 1996 (P.L. 104-244).

## CONSTRUCTION OF A HYDROELECTRIC PROJECT IN OREGON

### Public Law 104-245 (H.R. 1290, S. 538, S. 737)

To reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes.

*Summary*

The purpose of H.R. 1290 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in Oregon.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1290 extends the deadline for the commencement of construction for a project in Oregon for 6 years. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1290 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On March 22, 1995, Mr. Cooley introduced H.R. 1290 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 1290 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission.

The Subcommittee met in open markup session to consider H.R. 1290 on October 18, 1995, and the bill was approved, as amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 1290 on October 25, 1995, and ordered the bill reported, as amended, to the House by a voice vote. The Committee reported H.R. 1290 to the House on November 7, 1995 (H. Rept. 104-320).

The House considered and passed H.R. 1290 under Suspension of the Rules on November 13, 1995. H.R. 1290, as passed by the House, was received in the Senate on November 14, 1995, read twice, and placed on the Senate Calendar.

On April 27, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 538, to the Senate (S. Rpt. 104-75). Similar legislative language was also included in S. 737, which was also reported to the Senate by the Committee on Energy and Natural Resources on April 27, 1995 (S. Rpt. 104-77).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1290 and passed the bill without amendment. H.R. 1290 was presented to the President on September 30, 1996. The President signed H.R. 1290 into law on October 9, 1996 (P.L. 104-245).

## EXTENSION OF A HYDROELECTRIC PROJECT LOCATED IN THE STATE OF WEST VIRGINIA

### Public Law 104-246 (H.R. 1335, S. 595)

To provide for the extension of a hydroelectric project located in the State of West Virginia.

*Summary*

The purpose of H.R. 1335 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in West Virginia.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1335 extends the deadline for the commencement of construction for a project in West Virginia for 6 years. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1335 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On March 28, 1995, Mr. Mollohan introduced H.R. 1335 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 1335 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission.

The Subcommittee met in open markup session to consider H.R. 1335 on October 18, 1995, and the bill was approved for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 1335 on October 25, 1995, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 1335 to the House on November 7, 1995 (H. Rept. 104-321).

The House considered and passed H.R. 1335 under Suspension of the Rules on November 13, 1995. H.R. 1335, as passed by the House, was received in the Senate on November 14, 1995, read twice, and placed on the Senate Calendar.

On July 11, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 595, to the Senate (S. Rpt. 104-108).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1335 and passed the bill without amendment. H.R. 1335 was presented to the President on September 30, 1996. The President signed H.R. 1335 into law on October 9, 1996 (P.L. 104-246).

## EXTENSION OF TIME LIMITATION FOR THE FERC-ISSUED HYDROELECTRIC LICENSE FOR THE MT. HOPE WATERPOWER PROJECT

### Public Law 104-247 (H.R. 1366, S. 611)

To authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project.

*Summary*

The purpose of H.R. 1366 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in New Jersey.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 1366 extends the deadline for the commencement of construction for the Mt. Hope Waterpower Project for 3 years. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 1366 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On March 30, 1995, Mr. Frelinghuysen introduced H.R. 1366 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 1366 on October 18, 1995. Testimony was received from the General Counsel of the Federal Energy Regulatory Commission. The Subcommittee met in open markup session to consider

H.R. 1366 on October 18, 1995, and the bill was approved for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 1366 on October 25, 1995, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 1366 to the House on November 7, 1995 (H. Rept. 104-322).

The House considered and passed H.R. 1366 under Suspension of the Rules on November 13, 1995. H.R. 1366, as passed by the House, was received in the Senate on November 14, 1995, read twice, and placed on the Senate Calendar.

On July 11, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 611, to the Senate (S. Rpt. 104-109).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1366 and passed the bill without amendment. H.R. 1366 was presented to the President on September 30, 1996. The President signed H.R. 1366 into law on October 9, 1996 (P.L. 104-247).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT IN KENTUCKY

### Public Law 104-249 (H.R. 2501, S. 421, S. 737)

To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Kentucky.

*Summary*

The purpose of H.R. 2501 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Kentucky.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2501 extends the deadline for the commencement of construction of a hydroelectric project in Kentucky for up to a maximum of three consecutive 2-year periods. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 2501 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On October 18, 1995, Mr. Lewis of Kentucky introduced H.R. 2501 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2501 on March 5, 1996, and approved the bill, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 2501 on March 13, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2501 to the House on March 28, 1996 (H. Rpt. 104-507).

The House considered and passed H.R. 2501 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2501, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On April 27, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 421, to the Senate (S. Rpt. 104-72). Similar legislative language was also included in S. 737, which was also reported to the Senate by the Committee on Energy and Natural Resources on April 27, 1995 (S. Rpt. 104-77).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2501 and passed the bill without amendment. H.R. 2501 was presented to the President on September 30, 1996. The President signed H.R. 2501 into law on October 9, 1996 (P.L. 104-249).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT IN ILLINOIS

### Public Law 104-252 (H.R. 2630)

To extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

*Summary*

The purpose of H.R. 2630 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Illinois.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2630 extends the deadline for the commencement of construction of a hydroelectric project in Illinois until October 15, 1997. H.R. 2630 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On November 14, 1995, Mr. Costello introduced H.R. 2630 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2630 on March 5, 1996, and approved the bill, amended, for Full Committee consideration by a voice vote. The Full Committee met in open markup session to consider H.R. 2630 on March 13, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2630 to the House on March 28, 1996 (H. Rpt. 104-508).

The House considered and passed H.R. 2630 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2630, as passed

by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2630 and passed the bill without amendment. H.R. 2630 was presented to the President on September 30, 1996. The President signed H.R. 2630 into law on October 9, 1996 (P.L. 104-252).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF HYDROELECTRIC PROJECTS IN PENNSYLVANIA

### Public Law 104-254 (H.R. 2695)

To extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania.

*Summary*

The purpose of H.R. 2695 is to extend the statutory deadline for the commencement of construction of two hydroelectric projects in Pennsylvania.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2695 extends the deadline for the commencement of construction of two hydroelectric projects until September 26, 1999. According to project sponsors, construction has not commenced for lack of a power sales contract. A power sales contract is needed in order to secure project financing. H.R. 2695 does not ease the requirements of the licenses, but merely extends the period for commencement of construction.

*Legislative History*

On November 30, 1995, Mr. Klink introduced H.R. 2695 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2695 on March 5, 1996, and approved the bill, amended, for Full Committee consideration by a voice vote. The Full Committee met in open markup session to consider H.R. 2695 on March 13, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2695 to the House on March 28, 1996 (H. Rpt. 104-509).

The House considered and passed H.R. 2695 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2695, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2695 and passed the bill without amendment. H.R. 2695 was presented to the President on September 30, 1996. The President signed H.R. 2695 into law on October 9, 1996 (P.L. 104-254).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF HYDROELECTRIC PROJECTS IN NORTH CAROLINA

Public Law 104-256 (H.R. 2773, S. 801)

To extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes.

*Summary*

The purpose of H.R. 2773 is to extend the statutory deadline for the commencement of construction of two hydroelectric projects in the State of North Carolina.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2773 extends the deadline for the commencement of construction of two hydroelectric projects for up to a maximum of three consecutive 2-year periods. H.R. 2773 does not ease the requirements of the licenses, but merely extends the period for commencement of construction.

*Legislative History*

On December 13, 1995, Mrs. Myrick introduced H.R. 2773 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2773 on March 5, 1996, and approved the bill, amended, for Full Committee consideration by a voice vote. The Full Committee met in open markup session to consider H.R. 2773 on March 13, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2773 to the House on March 28, 1996 (H. Rpt. 104-510).

The House considered and passed H.R. 2773 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2773, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On July 11, 1995, the Senate Committee on Energy and Natural Resources reported similar legislation, S. 801, to the Senate (S. Rpt. 104-110).

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2773 and passed the bill without amendment. H.R. 2773 was presented to the President on September 30, 1996. The President signed H.R. 2773 into law on October 9, 1996 (P.L. 104-256).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT IN OHIO

### Public Law 104-257 (H.R. 2816)

To reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.

*Summary*

The purpose of H.R. 2816 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Ohio.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2816 extends the deadline for the commencement of construction of a hydroelectric project in Ohio until September 24, 1999. H.R. 2816 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On December 20, 1995, Mr. Ney and Mr. Regula introduced H.R. 2816 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2816 on March 5, 1996, and approved the bill, without amendment, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 2816 on March 13, 1996, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee reported H.R. 2816 to the House on March 28, 1996 (H. Rpt. 104-511).

The House considered and passed H.R. 2816 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2816, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2816 and passed the bill without amendment. H.R. 2816 was presented to the President on September 30, 1996. The President signed H.R. 2816 into law on October 9, 1996 (P.L. 104-257).

## EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT IN KENTUCKY

### Public Law 104-258 (H.R. 2869)

To extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky.

*Summary*

The purpose of H.R. 2869 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Kentucky.

Section 13 of the Federal Power Act establishes time limits for commencement of construction of hydroelectric projects once the Federal Energy Regulatory Commission (FERC) has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one 2-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years.

H.R. 2869 extends the deadline for the commencement of construction of a hydroelectric project in Kentucky until June 15, 1998. H.R. 2869 does not ease the requirements of a license, but merely extends the period for commencement of construction.

*Legislative History*

On January 23, 1996, Mr. Whitfield introduced H.R. 2869 in the House. The Subcommittee on Energy and Power met in open markup session to consider H.R. 2869 on March 5, 1996, and approved the bill, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 2869 on March 13, 1996, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 2869 to the House on March 28, 1996 (H. Rpt. 104-512).

The House considered and passed H.R. 2869 under Suspension of the Rules on April 16, 1996, by a voice vote. H.R. 2869, as passed by the House, was received in the Senate, read twice, and placed on the Senate Calendar on April 17, 1996.

On September 27, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2869 and passed the bill without amendment. H.R. 2869 was presented to the President on September 30, 1996. The President signed H.R. 2869 into law on October 9, 1996 (P.L. 104-258).

## URANIUM MILL TAILINGS RADIATION CONTROL ACT REAUTHORIZATION

### Public Law 104-259 (H.R. 2967)

To extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

*Summary*

The purpose of H.R. 2967 is to extend the authorization for activities at uranium mill sites owned by the Department of Energy (DOE), and to make certain legislative changes to uranium mill site cleanup at sites owned by the Department and at sites owned and operated by private entities.

Specifically, the measure extends the remedial action authority for DOE from September 30, 1996, to September 30, 1998. It also allows DOE to continue the operation of a disposal cell at the Grand Junction, Colorado, Title I site for the continued acceptance of tailings from Title I sites. For Title II sites, which are owned by

private entities but at which a significant portion of the cleanup costs can be attributed to Federal activities, the measure expands the Secretary's authorization for reimbursement for the Federal government's share of remediation costs. Finally, the measure clarifies that the Secretary may dispose of Title I tailings at licensed Title II sites and allows DOE to waive the Federal deed annotation requirement if the affected State already has a suitable potential purchaser notification requirement.

*Legislative History*

On February 23, 1996, Mr. Schaefer introduced H.R. 2967 in the House. The Subcommittee on Energy and Power held a legislative hearing on the measure on February 28, 1996. Witnesses included representatives from the Department of Energy and the U.S. General Accounting Office, State officials, and industry representatives.

On March 5, 1996, the Subcommittee met in open markup session to consider H.R. 2967 and approved the bill, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session on March 13, 1996, to consider H.R. 2967 and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 2967 to the House on April 24, 1996 (H. Rpt. 104-536).

The House considered H.R. 2967 under Suspension of the Rules on May 14, 1996, and passed the bill by a voice vote. On May 15, 1996, H.R. 2967, as passed by the House, was received in the Senate, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On June 27, 1996, the Senate Committee on Energy and Natural Resources reported H.R. 2967 to the Senate (S. Rpt. 104-301).

On September 28, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 2967 and passed the bill without amendment. H.R. 2967 was presented to the President on September 30, 1996. The President signed H.R. 2967 into law on October 9, 1996 (P.L. 104-259).

## PROPANE EDUCATION AND RESEARCH ACT OF 1996

### Public Law 104-284 (H.R. 1514)

To authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

*Summary*

H.R. 1514 allows the Secretary of Energy to establish a propane check-off program similar to the agriculture check-off programs. The purpose of the check-off program is to create and provide funding for the Propane Education and Research Council (PERC). Under the Act, PERC is authorized to spend the money on propane education, research and development of propane utilization equipment, and programs to inform and educate the public about safety and other issues associated with the use of propane. The initial amount of fees to be collected is 1/10 of 1 cent per gallon. However,

this amount can rise 1/10 of 1 cent per year until the fee collects up to ½ cent per gallon.

The bill requires that not less than 5 percent of the funds collected shall be used for programs designed to benefit the agriculture industry. In addition, funds for projects relating to use of propane as an alternative motor vehicle fuel shall not exceed the percentage of total market for odorized propane that is used as a motor vehicle fuel for the prior 3 years.

No funds collected through the fee can be used to lobby Congress. The bill also prohibits use of the funds for advertising if the price of propane goes up a disproportionate amount relative to other energy sources. The Secretary of Commerce is directed to prepare a report for Congress every 2 years examining the effect the operation of the Council is having on propane consumers. Finally, the Council may bring suit in Federal court to compel compliance with the Act.

*Legislative History*

On April 7, 1995, Representatives Tauzin, Hall of Texas, Cramer, Roemer, Blute, Gillmor, Stump, Emerson, Hancock, Gejdenson, Ming, Callahan, Gene Green of Texas, Baesler, Collins of Georgia, Bishop, Everett, Bevill, Taylor of North Carolina, Bachus, Klug, Hilliard, Parker, Jefferson, Lewis of Kentucky, Paxon, Bonilla, McIntosh, Traficant, Oxley, Talent, Browder, and Jacobs introduced H.R. 1514 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on Science.

The Subcommittee on Energy and Power held a hearing on H.R. 1514 on October 26, 1995. Testimony was received from representatives of propane marketers and users. On March 5, 1996, the Subcommittee on Energy and Power met in open markup session to consider H.R. 1514 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On April 16, 1996, the Full Committee met in open markup session to consider H.R. 1514 and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 1514 to the House on June 27, 1996 (H. Rpt. 105-655, Part 1). Referral of H.R. 1514 to the Committee on Science was extended for a period ending not later than July 26, 1996. On July 10, 1996, the Committee on Science was discharged from further consideration of H.R. 1514.

The House considered H.R. 1514 under Suspension of the Rules on September 4, 1996, and passed the bill by a voice vote. On September 5, 1996, H.R. 1514 was received in the Senate, read twice, and placed on the Senate Calendar.

On September 28, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 1514 and passed the bill without amendment. H.R. 1514 was presented to the President on September 30, 1996. The President signed H.R. 1514 into law on October 11, 1996 (P.L. 104-284).

## ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

### Public Law 104-304 (S. 1505, H.R. 1323)

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

*Summary*

S. 1505 reauthorizes the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act by changing the way natural gas and hazardous liquid pipelines are regulated. Under the Act, the Department of Transportation (DOT) is required to conduct a risk assessment for new pipeline safety regulations. The risk assessment provisions in S. 1505 are based on the provisions contained in H.R. 1022 as passed by the House and Executive Order #12866, but tailored to fit the Department of Transportation. The Act also establishes a voluntary, 4-year risk management demonstration project at DOT's Office of Pipeline Safety.

In addition, S. 1505 makes a number of smaller and technical changes. Among other things, pipeline operators must now be qualified, rather than certified, to operate a pipeline; the definition of environmentally sensitive areas is changed; and DOT is given authority to enter into agreements with States and other entities to promote pipeline safety. Finally, S. 1505, sets the authorization for these programs through Fiscal Year 2000.

*Legislative History*

On March 9, 1995, the Energy and Power Subcommittee held an oversight hearing on the Reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. Witnesses included representatives of the Administration, State officials, and representatives of the oil and natural gas industries.

On March 24, 1995, Representatives Shuster, Petri, Laughin, and Brewster introduced H.R. 1323 in the House. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce. On May 1, 1995, the Committee on Transportation and Infrastructure reported H.R. 1323 to the House (H. Rpt. 104-110, Part 1). Referral of H.R. 1323 to the Committee on Commerce was extended for a period ending not later than June 1, 1995.

On May 16, 1995, the Subcommittee on Energy and Power met in open markup session to consider H.R. 1323 and approved the bill for Full Committee consideration, amended, by a voice vote. On May 24, 1995, the Full Committee met in open markup session to consider H.R. 1323 and ordered the bill reported to the House, amended, by a roll call vote of 29 yeas to 13 nays. The Committee on Commerce reported H.R. 1323 to the House on June 1, 1995 (H. Rpt. 104-110, Part 2). No further action was taken on H.R. 1323 in the 104th Congress.

On July 26, 1996, the Senate Committee on Commerce, Science, and Transportation reported a companion bill, S. 1505, to the Senate (S. Rpt. 104-334). The Senate considered S. 1505 on September 19 and September 26, 1996, and on September 26, 1996, by unanimous consent, passed S. 1505, as amended. On September 27,

1996, S. 1505 was received in the House, considered under Suspension of the Rules, and passed by a roll call vote of 276 yeas to 125 nays.

S. 1505 was presented to the President on October 2, 1996. The President signed S. 1505 into law on October 12, 1996 (P.L. 104-304).

## ENERGY POLICY AND CONSERVATION ACT ONE YEAR REAUTHORIZATION

### Public Law 104-306 (H.R. 4083)

To extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

*Summary*

H.R. 4083 reauthorizes through September 30, 1997, two expiring Energy Policy and Conservation Act (EPCA) programs, the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement. These programs expired at the end of Fiscal Year 1996.

*Legislative History*

H.R. 4083 was introduced in the House by Mr. Schaefer on September 17, 1996. On September 18, 1996, a request that H.R. 4083 be considered directly by the Full Committee was agreed to by unanimous consent. The Full Committee then considered H.R. 4083 and ordered the bill reported to the House, without amendment, by a voice vote. Prior to this action, the Committee on Commerce also took action on two other measures reauthorizing the Energy Policy and Conservation Act, H.R. 3868 and H.R. 2596. For the legislative history of those bills, see the discussions of H.R. 3868 and H.R. 2596 in this section.

The Committee reported H.R. 4083 to the House on September 20, 1996 (H. Rpt. 104-814). On September 24, 1996, the House considered H.R. 4083 under Suspension of the Rules and passed the bill by a voice vote. On September 25, 1996, H.R. 4083 was received in the Senate, read twice, and placed on the Senate Calendar.

On October 3, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 4083 and passed the bill without amendment. H.R. 4083 was presented to the President on October 10, 1996. The President signed H.R. 4083 into law on October 14, 1996 (P.L. 104-306).

## BALANCED BUDGET ACT OF 1995

### (H.R. 2491)

### (Title V—Energy and Natural Resources Provisions)

To provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for Fiscal Year 1996.

*Summary*

Title V of H.R. 2491, the Balanced Budget Act of 1995, as presented to the President, contains provisions relating to Energy and Natural Resources, several of which fall within the jurisdiction of the Committee on Commerce.

Subtitle A of Title V, Nuclear Regulatory Commission Annual Charges, extends the Nuclear Regulatory Commission's (NRC's) authority to collect up to 100 percent of its budget from user fees through Fiscal Year 2002. The NRC is responsible for ensuring the safety of civilian uses of nuclear materials. Under the Omnibus Budget Reconciliation Act of 1990, as amended, the NRC is currently authorized to collect user fees through Fiscal Year 1998. Absent Congressional action extending this period, the NRC's authority to collect 100 percent of its costs through fees and annual charges would expire after Fiscal Year 1998. Thereafter, the NRC permanent authority to collect 33 percent of its budget authority through fees and annual charges would take effect.

Chapter 1 of Subtitle B of Title V, United States Enrichment Corporation, facilitates the privatization of the United States Enrichment Corporation (USEC), as provided by Title IX of the Energy Policy Act of 1992 (EPAct, P.L. 102-486). The legislation contains provisions to increase the return to the taxpayers from the sale of the corporation to potential purchasers or shareholders, and eliminates burdensome statutory requirements for the privatized corporation. It also contains language designed to promote an orderly transition from government ownership to the private sector for USEC, including transition requirements for Federal employees affected by the sale, as well as protections for Federal contract employees at the corporation's enrichment facilities. While seeking to maximize the return of monies to the U.S. Treasury from the sale, the legislation also attempts to ensure that the corporation will be a viable business venture in order to retain the important national security benefits of a domestic uranium enrichment capability. Chapter 1 of Subtitle B of Title V differs from the language adopted by the Committee in H.R. 1216 and considered by the House in H.R. 1215 in that several technical amendments were adopted, and language was included to address concerns about the effect of privatization on the U.S.-Russian Highly-Enriched Uranium Agreement to purchase former weapons-related uranium from the former Soviet Union.

Chapter 2 of Subtitle B of Title V, Department of Energy, contains several provisions relating to the sale of Department of Energy (DOE) assets which fall within the jurisdiction of the Committee on Commerce. First, Section 5221 directs the Department of Energy (DOE) to sell $225 million in assets by October 1, 2000. DOE is directed to conduct an inventory of the assets in the care of the agency and its contractors and dispose of minimum quantities of fuel, chemicals and industrial gases, scrap metal, radiation sources, major equipment, precious metals, and base metals. Second, Section 5222 directs DOE to sell 32 million barrels of oil contained in the Weeks Island Strategic Petroleum Reserve Facility. Third, Section 5223 grants DOE the authority to lease storage capacity in underutilized Strategic Petroleum Reserve facilities for

petroleum products owned by foreign governments or their representatives.

Subchapter B of Chapter 7 of Subtitle C of Title V, Alaska Power Marketing Administration Sale, also contains provisions which fall within the jurisdiction of the Committee on Commerce. Section 5413 authorizes and directs DOE to sell and transfer two hydroelectric projects in Alaska pursuant to a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the State of Alaska and a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the Eklutna Purchasers. Section 5414 provides an exemption from the Federal Power Act for the two projects, unless the projects are subsequently transferred to parties in a manner not provided for in the two purchase agreements. Section 5414 also provides for termination of the Alaska Power Administration of the Department of Energy.

Chapter 9 of Subtitle C of Title V, Exports of Alaska North Slope Oil, amends the Energy Policy and Conservation Act and the Export Administration Act to allow crude oil transported through the Trans-Alaska Pipeline to be exported.

*Legislative History*

On September 13, 1995, the Full Committee considered and approved four Committee Prints pertaining to energy issues for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995 as follows.

A Committee Print entitled "Nuclear Regulatory Commission Annual Charge" was approved by a roll call vote of 29 yeas to 11 nays. Prior to this action, on July 28, 1995, the Subcommittee on Energy and Power approved the Committee Print for Full Committee consideration by a voice vote.

A Committee Print entitled "Naval Petroleum Reserves" was approved by a voice vote. Prior to this action, on September 8, 1995, the Subcommittee on Energy and Power held a hearing on Legislation to Privatize the Naval Petroleum Reserve.

A Committee Print entitled "United States Enrichment Corporation" was approved by a voice vote. Prior to this action, on February 24, 1995, the Subcommittee on Energy and Power held a hearing on the Privatization of the United States Enrichment Corporation. On March 15, 1995, the Full Committee considered H.R. 1216, the USEC Privatization Act, and ordered the bill reported to the House, as amended, by a voice vote. The Committee reported H.R. 1216 to the House on March 23, 1995 (H. Rpt. 104-86). The provisions of H.R. 1216 were also incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995. The Committee Print adopted by the Full Committee on September 13, 1995, was a modified version of H.R. 1216, as reported to the House. For the legislative history of that bill, see the discussion of the USEC Privatization Act (H.R. 1216) in this section.

A Committee Print entitled "Waste Isolation Pilot Project" was approved by a roll call vote of 24 yeas to 12 nays. Prior to this action, the Subcommittee on Energy and Power held a hearing on H.R. 1663 on July 21, 1995, and approved the bill for Full Commit-

tee consideration, without amendment, by a voice vote, on July 28, 1995. The Committee Print adopted by the Full Committee on September 13, 1995, contained the text of H.R. 1663 as approved by the Subcommittee on Energy and Power on July 28, 1995. For the legislative history of that bill, see the discussion of the Waste Isolation Pilot Plant Land Withdrawal Amendment Act (H.R. 1663) in this section.

The provisions of these four Committee Prints were included in the text of Title III of H.R. 2491 as reported to the House by the Committee on the Budget on October 17, 1995 (H. Rpt. 104-280, Volumes I and II). The House considered H.R. 2491 on October 25 and October 26, 1995, and passed the bill on October 26, 1995, by a roll call vote of 227 yeas to 203 nays. H.R. 2491 was received in the Senate on October 27, 1995, read twice, and placed on the Senate Calendar. The Senate passed H.R. 2491 on October 28, 1995, as amended, by a roll call vote of 52 yeas to 47 nays. On October 30, 1995, the House disagreed to the Senate amendments, requested a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The Senate insisted on its amendments, agreed to a conference with the House, and appointed conferees on November 13, 1995.

On November 15, 1995, the conference report was filed in the House (H. Rpt. 104-347). On November 17, 1995, the House passed H. Res. 272 which vacated the proceedings with respect to H. Rpt. 104-347, and the conference report was refiled in the House as H. Rpt. 104-350. The provisions dealing with the Waste Isolation Pilot Project and the Naval Petroleum Reserve were deleted from the final legislation because of assertions by the Senate conferees that consideration of these provisions was prohibited by Section 313(b) of the Congressional Budget Act.

The House agreed to the conference report on November 17, 1995, by a roll call vote of 237 yeas to 189 nays. The Senate sustained a point of order against the conference report on November 17, 1995 as being in violation of the Congressional Budget Act with respect to consideration of Section 1853(f) of the Social Security Act as added by Section 8001 of the conference report and Section 13301 of Subtitle M of Title XIII of the conference report. The Senate then, by a roll call vote of 52 yeas to 47 nays, receded from its amendment to H.R. 2491 and concurred therein with a further amendment consisting of the text of the conference report (H. Rpt. 104-350) excluding the provisions stricken on the point of order. On November 20, 1995, the House agreed to the Senate amendment by a roll call vote of 235 yeas to 192 nays, and cleared the measure for the President. H.R. 2491 was presented to the President on November 30, 1995. On December 6, 1995, the President vetoed H.R. 2491 and returned the bill to the House (H. Doc. 104-141). The veto message and the accompanying bill were referred to the Committee on the Budget on December 6, 1995.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

(H.R. 1530, S. 1026)

(Energy Related Provisions)

To authorize appropriations for Fiscal Year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Summary*

H.R. 1530 as presented to the President included a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with energy related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the conference negotiations which led to the agreements contained in H.R. 1530.

Section 4304 of H.R. 1530 affects provisions of the Department of Energy Organization Act (P.L. 95-91, as amended) and the Energy Policy and Conservation Act (P.L. 94-163, as amended) under the jurisdiction of the Committee. The section repeals certain ethics reporting requirements made obsolete by the Ethics in Government Act (P.L. 95-521, as amended). During original House consideration of the measure, as well as throughout conference negotiations, the Committee on Commerce supported the inclusion of this language.

Section 3157 of H.R. 1530 includes a "Sense of Congress" resolution that individuals should not be personally subject to a civil or criminal sanction for failure to comply with an environmental cleanup requirement under the Resource Conservation and Recovery Act (P.L. 89-272, as amended) or the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510, as amended) where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement. This section was added during Floor consideration in the Senate, and clearly involved statutes under the jurisdiction of the Committee on Commerce. During conference negotiations, the Committee on Commerce worked with other conferees to modify the applicability of the "Sense of Congress" resolution, and ultimately did not object to the inclusion of a more narrow version of the Senate-passed language.

Section 3161 of H.R. 1530 was added during Senate consideration of the measure and extends the authorization for assistance payments to the Los Alamos School Board and Los Alamos County in New Mexico under the Atomic Energy Community Act of 1955 (chap. 543, 69 stat. 471), a statute under the jurisdiction of the Committee on Commerce. The Committee supported the statute change during conference negotiations on the bill.

Sections 3401 through 3416 of H.R. 1530 contain a provision to sell, to the highest bidder above the minimum acceptable bid, the Naval Petroleum Reserve Number 1 located at Elk Hills, California, by the end of Fiscal Year 1996. During original House consideration of the measure, as well as throughout conference negotiations, the Committee on Commerce supported the inclusion of this

language. This language is similar to the language agreed to by the Committee on Commerce as part of the Committee Print entitled "Naval Petroleum Reserve" on September 13, 1995.

*Legislative History*

H.R. 1530 was introduced in the House by Mr. Spence and Mr. Dellums on May 2, 1995, and referred to the Committee on National Security. The Committee on National Security reported the bill to the House on June 1, 1995 (H. Rpt. 104-131).

The House considered H.R. 1530 on June 13, June 14, and June 15, 1995; on June 15, 1995, the House passed H.R. 1530, as amended, by a roll call vote of 300 yeas to 126 nays. H.R. 1530, as passed by the House, was received in the Senate and referred to the Senate Committee on Armed Services on June 20, 1995.

On July 12, 1995, the Senate Committee on Armed Services reported a companion bill, S. 1026, to the Senate (S. Rpt. 104-112). The Senate considered S. 1026 on August 2, August 3, August 4, August 5, August 9, September 5, and September 6, 1995. On September 6, 1995, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1530, and the Senate then passed H.R. 1530, amended with the text of S. 1026, as amended by the Senate, by a roll call vote of 64 yeas to 34 nays. Further action on S. 1026 was indefinitely postponed. The Senate insisted on its amendment to H.R. 1530 and requested a conference with the House. Senate conferees were appointed on September 8, 1995.

On September 21, 1995, the House disagreed to the Senate amendment to H.R. 1530, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The conference report on H.R. 1530 was filed in the House on December 13, 1995 (H. Rpt. 104-406). The House agreed to the conference report, by a roll call vote of 267 yeas to 149 nays, on December 15, 1995. The Senate agreed to the conference report, by a roll call vote of 51 yeas to 43 nays on December 19, 1995. The bill was presented to the President on December 22, 1995.

On December 28, 1995, the President vetoed H.R. 1530. On January 3, 1996, the veto message on H.R. 1530 was received and read in the House (H. Doc. 104-155). The House then considered H.R. 1530 and failed to pass the bill, the objections of the President to the contrary notwithstanding, by a roll call vote of 240 yeas to 156 nays. The veto message and the accompanying bill were referred to the Committee on National Security on January 3, 1996.

Subsequently, the House and Senate passed S. 1124, which was signed into law by the President on February 10, 1996 (Public Law 104-106). For the legislative history of S. 1124, see the discussion of that bill in this section.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1995

(H.R. 4, H.R. 1214)

(Low Income Home Energy Assistance Program and Weatherization Benefits)

To restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

*Summary*

The purpose of H.R. 4 is to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence. As presented to the President, H.R. 4 included a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with energy related issues. Members of the Committee on Commerce were appointed as conferees on these provisions and participated in the conference negotiations which led to the agreements contained in H.R. 4.

At the beginning of the 104th Congress, provisions of the Food Stamp Act (Sections 5(d)(11), 5(e), and 5(k)) and the Low Income Home Energy Assistance Act (Section 2605(f)) dictated the following treatment of various forms of energy assistance for purposes of the Food Stamp program:

- Federal Low Income Home Energy Assistance Program (LIHEAP) benefits were disregarded as income;
- Payments or allowances for Federal weatherization assistance were disregarded;
- Utility allowances and reimbursements paid under certain Department of Housing and Urban Development (HUD) housing programs were disregarded;
- Payments or allowances for energy assistance provided by State or local law were, under special rules set by the Department of Agriculture, disregarded; and
- Households could claim income deductions (further reducing their counted income) for utility costs covered by disregarded LIHEAP benefits, but could not claim them in the case of other disregarded energy assistance.

As presented to the President, H.R. 4 provided for the following treatment of energy assistance for purposes of the Food Stamp program:

- Federal LIHEAP benefits were required to be counted as income;
- One-time payments or allowances under a Federal or State law for costs of weatherization or emergency repair or replacement of unsafe or inoperative furnaces or other heating or cooling devices were required to be disregarded;
- HUD utility allowances and reimbursements were required to be counted as income;
- State and local energy assistance was required to be counted; and
- Households were to be allowed to claim income deductions for utility costs covered directly or indirectly by LIHEAP or any other counted energy assistance.

*Legislative History*

H.R. 4 was introduced in the House on January 4, 1995, by Representatives Shaw, Talent, and LaTourette (for themselves) and 109 cosponsors. H.R. 4 was referred, by title, to the following Committees: the Committee on Agriculture; the Committee on Banking and Financial Services; the Committee on the Budget; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on the Judiciary; the Committee on Rules; and the Committee on Ways and Means. Titles IV and VIII of H.R. 4 were referred to the Committee on Commerce and other Committees.

On January 13, 1995, H.R. 4 was referred to the Subcommittee on Energy and Power and the Subcommittee on Health and Environment for a period ending not later than February 17, 1995. On February 17, 1995, the Subcommittee on Energy and Power and the Subcommittee on Health and Environment were discharged from further consideration of H.R. 4.

On March 15, 1995, the Chairman of the Committee on Commerce sent a letter to the Speaker waiving the Commerce Committee's right to mark up H.R. 4 and H.R. 1214, a similar bill, without prejudicing its jurisdiction, in order to expedite consideration of this legislation by the House.

On March 21, 1995, the House adopted H. Res. 117, which provided for general debate in the House on H.R. 4. On March 22, 1995, the House passed H. Res. 119, which provided that an amendment in the nature of a substitute consisting of the text of H.R. 1214 be considered as adopted, and that H.R. 4, as so amended, be considered as the original bill for purposes of further amendment. Pursuant to the provisions of these two resolutions, the House considered H.R. 4 on March 21, March 22, March 23, and March 24, 1995. On March 24, 1995, the House passed H.R. 4 by a roll call vote of 234 yeas to 199 nays.

H.R. 4, as passed by the House, was received in the Senate and referred to the Senate Committee on Finance on March 29, 1995. On June 9, 1995, the Committee on Finance reported H.R. 4 to the Senate (S. Rpt. 104-96). The Senate considered H.R. 4 on August 5, August 7, August 8, August 11, September 6, September 7, September 8, September 11, September 12, September 13, September 14, September 15, and September 19, 1995. On September 19, 1995, the Senate passed H.R. 4, as amended, by a roll call vote of 87 yeas to 12 nays. The Senate insisted on its amendments and requested a conference with the House.

On September 29, 1995, the House disagreed to the Senate amendments to H.R. 4, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On October 17, 1995, the Senate appointed conferees. The House appointed additional conferees on October 24, 1995.

The conference report on H.R. 4 was filed in the House on December 20, 1995 (H. Rpt. 104-430). The House agreed to the conference report, by a roll call vote of 245 yeas to 178 nays, on December 21, 1995. The Senate agreed to the conference report, by a roll call vote of 52 yeas to 47 nays, on December 22, 1995. The bill was presented to the President on December 29, 1995.

On January 9, 1996, the President vetoed H.R. 4. On January 22, 1996, the veto message on H.R. 4 was received in the House (H. Doc. 104-164). The veto message and the accompanying bill were referred to the Committee on Ways and Means on January 22, 1996.

ENERGY POLICY AND CONSERVATION ACT SHORT TERM EXTENSION

(H.R. 3868)

To extend certain programs under the Energy Policy and Conservation Act through September 30, 1996.

*Summary*

H.R. 3868 reauthorizes through September 30, 1996, two expiring Energy Policy and Conservation Act programs, the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement. These programs expired at the end of Fiscal Year 1996 and this bill would have preserved the President's authority to drawdown the Reserve in the event an energy emergency occurred during the August recess.

*Legislative History*

H.R. 3868 was introduced in the House by Mr. Schaefer on July 23, 1996. On July 24, 1996, without objection, the Full Committee proceeded to the immediate consideration of H.R. 3868 and ordered the bill reported to the House, without amendment, by a voice vote.

The Committee reported H.R. 3868 to the House on July 26, 1996 (H. Rpt. 104-712). On July 30, 1996, the House considered H.R. 3868 under Suspension of the Rules and passed the bill by a voice vote. On July 31, 1996, H.R. 3868 was received in the Senate, read twice, and placed on the Senate Calendar.

On September 28, 1996, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3868 and passed the bill amended. On September 30, 1996, H.R. 3868 was returned to the House and held at the Speaker's desk. No further action was taken on H.R. 3868 in the 104th Congress.

The Committee on Commerce also took action on two other measures reauthorizing the Energy Policy and Conservation Act, H.R. 4083 and H.R. 2596. For the legislative history of those bills, see the discussions of H.R. 4083 and H.R. 2596 in this section.

RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

(H.R. 1022)

To provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes.

*Summary*

H.R. 1022 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety, or the environment. Title I of the Risk Assessment and Cost-Benefit

Act provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Title II requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating new major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and nonquantifiable. To the extent provisions of existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of H.R. 1022 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Title III requires independent peer review of certain major risk or economic assessments. Title IV clarifies the mechanism for judicial review. Title V requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, Title VI requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On February 23, 1995, Mr. Walker and Mr. Bliley introduced H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. This bill represented a compromise agreement developed by the Committee on Commerce and the Committee on Science with respect to their differing versions of Title III of H.R. 9.

H.R. 1022 was referred to the Committee on Science, and in addition to the Committee on Commerce. On February 27, 1995, the House passed H. Res. 96 providing for the consideration of H.R. 1022 by the House. The House considered H.R. 1022 on February 27 and February 28, 1995. On February 28, 1995, the House passed H.R. 1022, as amended, by a roll call vote of 286 yeas to 141 nays.

H.R. 1022, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 2, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

On March 3, 1995, the House considered H.R. 9, and struck all after the enacting clause and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 9, see the discussion of the Job Creation and Wage Enhancement Act of 1995 in this section.

JOB CREATION AND WAGE ENHANCEMENT ACT OF 1995

(Division D of H.R. 9—Risk Assessment and Cost-Benefit Act)

To create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials.

*Summary*

As passed by the House, Division D of H.R. 9 contains the text of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995, which passed the House on February 28, 1995. Division D of H.R. 9 addresses the Federal risk assessment and regulatory decisions in programs designed to protect human health, safety or the environment. First, Division D provides for minimum standards of disclosure, objectivity, and informativeness for the assessment and presentation of risk information in significant Federal risk assessment and risk characterization documents. Second, it requires analysis and consideration of costs, benefits, and flexibility among regulatory options when promulgating major rules. The bill specifically requires heads of Federal agencies to certify that the incremental benefits of new major regulations are justified and reasonably related to the incremental costs. Costs and benefits may be both quantifiable and non-quantifiable. To the extent provisions of existing law preclude the head of the Federal agency from certifying that the incremental benefits are justified and reasonably related to the incremental costs, the authority of Division D of H.R. 9 supersedes the standards in existing law in order to provide regulatory options which can meet the certification requirement. Notwithstanding other provisions of law, certifications must be supported by substantial evidence of the rulemaking record. Third, it requires independent peer review of certain major risk or economic assessments. Fourth, it clarifies the mechanism for judicial review. Fifth, it requires covered Federal agencies to provide an additional plan outlining any additional processes for receiving new information and setting priorities for revising prior risk assessments. Finally, it requires the President to identify and report the priorities among Federal regulatory programs to protect human health, to consider a number of criteria to provide for recommendations to Congress, and to incorporate such priorities into strategic planning.

*Legislative History*

On January 4, 1995, Representatives Archer, DeLay, Saxton, Smith of Washington, Tauzin, and 107 cosponsors introduced H.R. 9, the Job Creation and Wage Enhancement Act of 1995. H.R. 9 was referred, by title, to the following Committees: the Committee on Ways and Means; the Committee on Science; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on the Budget; the Committee on Rules; the Committee on the Judiciary; and the Committee on Small Business.

Title III of H.R. 9, Risk Assessment and Cost/Benefit Analysis for New Regulations, was referred to the Committee on Science, and in addition to the Committee on Commerce and the Committee on

Government Reform and Oversight. Within the Committee on Commerce, Title III of H.R. 9 was referred to the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and the Environment, and in addition to the Subcommittee on Energy and Power, for a period ending not later than February 3, 1995.

The Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and Environment held joint hearings on H.R. 9 on February 1 and February 2, 1995. The hearing included twenty-five witnesses from a broad range of interests, including representatives of Federal agencies, State governments, local governments, school boards, scientific organizations, the environmental community, labor unions, and the regulated community. On February 3, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials, the Subcommittee on Health and Environment, and the Subcommittee on Energy and Power were discharged from further consideration of H.R. 9.

The Full Committee met in open markup session to consider H.R. 9 on February 7 and February 8, 1995. On February 8, 1995, the Full Committee ordered H.R. 9 reported to the House, as amended, by a roll call vote of 27 yeas to 16 nays. The Committee reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 1).

The Committee on Science also reported H.R. 9 to the House on February 15, 1995 (H. Rpt. 104-33, Pt. 2).

On March 3, 1995, the House considered H.R. 9, and struck all after Section 1 and inserted in lieu thereof the provisions of a text composed of four divisions: H.R. 830, H.R. 925, H.R. 926, and H.R. 1022, as each bill passed the House previously. The House then passed H.R. 9, as amended, by a roll call vote of 277 yeas to 141 nays. For the legislative history of H.R. 1022, see the discussion of the Risk Assessment and Cost-Benefit Act of 1995 in this section.

H.R. 9, as passed by the House, was received in the Senate and referred to the Senate Committee on Governmental Affairs on March 9, 1995. No further action was taken in the Senate on the legislation in the 104th Congress.

## TAX FAIRNESS AND DEFICIT REDUCTION ACT OF 1995

(H.R. 1215, H.R. 1327)

(USEC Privatization Act)

To amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs.

*Summary*

Title III of H.R. 1215 incorporates the text of H.R. 1216, the USEC Privatization Act. The purpose of Title III is to facilitate the privatization of the United States Enrichment Corporation (USEC), as provided by Title IX of the Energy Policy Act of 1992 (EPAct, P.L. 102-486). The legislation contains provisions to increase the return to the taxpayers from the sale of the corporation to potential purchasers or shareholders, and eliminates burdensome statutory requirements for the privatized corporation.

The title also contains language designed to promote an orderly transition from government ownership to the private sector for USEC, including transition requirements for Federal employees affected by the sale, as well as protections for Federal contract employees at the corporation's enrichment facilities. While seeking to maximize the return of monies to the U.S. Treasury from the sale, the title also attempts to ensure that the corporation will be a viable business venture in order to retain the important national security benefits of a domestic uranium enrichment capability.

*Legislative History*

On March 13, 1995, Mr. Archer introduced H.R. 1215 in the House. The bill was referred to the Committee on Ways and Means. On March 21, 1995, the Committee on Ways and Means reported the bill to the House (H. Rpt. 104-84). On April 5, 1995, the House considered H.R. 1215 and agreed to an amendment in the nature of a substitute consisting of the text of H.R. 1327, a bill introduced by Representatives Kasich, Archer, and Bliley. The House passed H.R. 1215, as amended, by a roll call vote of 246 yeas to 188 nays. Included within the text of H.R. 1327 were the provisions of H.R. 1216, the USEC Privatization Act, as reported to the House on March 23, 1995. For the legislative history of that bill, see the discussion of the USEC Privatization Act (H.R. 1216) in this section.

On April 6, 1995, H.R. 1215 was received in the Senate and referred to the Senate Committee on Finance. No further action was taken in the Senate on the legislation in the 104th Congress.

## REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUELS TAXES

(H.R. 3415)

(Energy Related Provision)

To amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

*Summary*

The purpose of H.R. 3415 is to provide for a temporary repeal of the 4.3-cents-per-gallon General Fund excise tax on transportation motor fuels, effective during the period beginning seven days after enactment through December 31, 1996. The bill also includes a "Sense of Congress" that the full benefit of the repeal be passed through to consumers, and directs the General Accounting Office to study the impact of the repeal of the 4.3-cents-per gallon transportation motor fuels excise tax on consumers, and to report its findings to Congress by January 3, 1997. Finally, H.R. 3415 includes two budgetary offset provisions which fall within the jurisdiction of the Committee on Commerce, Section 6 and Section 7.

Section 6 of H.R. 3415 modifies Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270). The provision authorizes expenditures for salaries and expenses for the administrative activities of the Department of Energy from Fiscal Year 1997

through Fiscal Year 2002. The authorization is limited only to administrative functions and would have no effect on funding of the ongoing management responsibilities of the Department, including environmental restoration and national security functions. The Congressional Budget Office estimates that this portion of the bill would result in outlays of $542 million over the Fiscal Year 1997-2002 period.

*Legislative History*

On May 8, 1996, Representatives Seastrand, Riggs, Royce, and Zimmer introduced H.R. 3415 in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce. On May 8, 1996, the Committee on Ways and Means ordered H.R. 3415 reported to the House, amended, by a roll call vote of 23 yeas to 13 nays.

On May 15, 1996, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Ways and Means indicating that H.R. 3415 included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that the Committee on Commerce had reviewed the action taken by the Ways and Means Committee and in order to expedite consideration of this measure by the House, the Committee on Commerce would not insist on its right to a sequential referral of H.R. 3415 provided that: (1) based on an agreement between the two Committees, certain clarifications would be made to Section 6 and Section 7; and (2) the waiver of its right to a sequential referral would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On May 15, 1996, the Chairman of the Committee on Ways and Means sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns with respect to H.R. 3415 and the Commerce Committee's prerogatives with respect to this bill.

The Committee on Ways and Means reported H.R. 3415 to the House on May 15, 1996 (H. Rpt. 104-576, Part 1). Referral of H.R. 3415 to the Committee on Commerce was extended for a period ending not later than May 15, 1996. The Committee on Commerce was subsequently discharged from further consideration of H.R. 3415 on May 15, 1996.

On May 16, 1996, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3415. The rule was filed in the House as H. Res. 436 (H. Rpt. 104-580).

On May 21, 1996, the House passed H. Res. 436 by a voice vote. H. Res. 436 provided, among other things, that an amendment to Section 7 offered by the Chairman of the Commerce Committee and printed in H. Rpt. 104-580 shall be considered as adopted upon the adoption of H. Res. 436. The House then considered H.R. 3415, and passed the bill, amended, by a roll call vote of 301 yeas to 108 nays.

On May 22, 1996, H.R. 3415 was received in the Senate. On June 25, 1996, H.R. 3415 was read twice and referred to the Senate Committee on Finance. No further action was taken on H.R. 3415 in the 104th Congress.

## TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT CONSENT ACT

(H.R. 558, S. 419)

To grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

*Summary*

H.R. 558 grants the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, which is comprised of the States of Texas, Maine, and Vermont. These States have entered into the Compact in fulfillment of their responsibilities under the Low-Level Radioactive Waste Policy Act (P.L. 96-573) to develop facilities for the disposal of low-level radioactive waste generated within their borders. The measure is a free-standing piece of legislation and does not amend any existing Federal statute.

The Texas Low-Level Radioactive Waste Disposal Compact has been approved by the State legislatures and Governors of Texas, Maine, and Vermont. The compact specifies that the State of Texas will host the disposal facility, and provides that no low-level radioactive waste may be exported from or imported to the regional facility except with approval of the governing commission of the compact. As allowed under the Low-Level Radioactive Waste Policy Act, the Compact permits the State of Texas to limit access to the disposal facility to those States involved in the Texas Compact after such time as Congress by law consents to the Compact.

*Legislative History*

On January 18, 1995, Representatives Fields of Texas, DeLay, Laughin, and Hall of Texas introduced H.R. 558 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 558 on May 11, 1995. Witnesses included Members of Congress from the State of Texas, as well as representatives from the State of Texas and local citizen groups.

The Subcommittee on Energy and Power met in open markup session on May 16, 1995, and approved H.R. 558, without amendment, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session to consider H.R. 558 on May 24, 1995, and ordered the bill reported to the House, without amendment, by a roll call vote of 41 yeas to 2 nays. The Committee reported H.R. 558 to the House on June 20, 1995 (H. Rpt. 104-148).

The House considered H.R. 558 under Suspension of the Rules on September 18 and September 19, 1995; on September 19, 1995, the House failed to suspend the rules and pass H.R. 558 by a roll call vote of 176 yeas to 243 nays.

On December 20, 1995, the House, by a voice vote, passed H. Res. 313, a resolution providing for the consideration of H.R. 558 in the House under a 1 hour, open rule. No further action was taken in the House on the measure in the 104th Congress.

On May 18, 1995, the Senate Committee on the Judiciary reported similar legislation, S. 419, to the Senate (No Written Report). No further action was taken in the Senate on that legislation in the 104th Congress.

## USEC PRIVATIZATION ACT

(H.R. 1216, H.R. 1215, H.R. 2491, H.R. 3019)

To amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation.

*Summary*

The purpose of H.R. 1216 is to facilitate the privatization of the United States Enrichment Corporation (USEC), as provided by Title IX of the Energy Policy Act of 1992 (EPAct, P.L. 102-486). The legislation contains provisions to increase the return to the taxpayers from the sale of the corporation to potential purchasers or shareholders, and eliminates burdensome statutory requirements for the privatized corporation.

The legislation also contains language designed to promote an orderly transition from government ownership to the private sector for USEC, including transition requirements for Federal employees affected by the sale, as well as protections for Federal contract employees at the corporation's enrichment facilities. While seeking to maximize the return of monies to the U.S. Treasury from the sale, the legislation also attempts to ensure that the corporation will be a viable business venture in order to retain the important national security benefits of a domestic uranium enrichment capability.

*Legislative History*

On March 13, 1995, Mr. Bliley introduced H.R. 1216 in the House. On March 15, 1995, a request that H.R. 1216 be considered directly by the Full Committee was agreed to by unanimous consent. The Full Committee then considered H.R. 1216, and ordered the bill reported to the House, as amended, by a voice vote. Prior to this action, on February 24, 1995, the Subcommittee on Energy and Power held a hearing on the Privatization of the United States Enrichment Corporation. The Committee reported H.R. 1216 to the House on March 23, 1995 (H. Rpt. 104-86). No further action was taken on H.R. 1216 in the 104th Congress.

The provisions of H.R. 1216 were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995.

For the legislative history of that bill, see the discussion of the Tax Fairness and Deficit Reduction Act of 1995 (H.R. 1215) in this section.

A modified version of H.R. 1216 was also adopted by the Committee on September 13, 1995, as a Committee Print entitled "United States Enrichment Corporation" and transmitted to the Committee on the Budget by a voice vote. Legislative language concerning the privatization of USEC was included in the conference report on the Balanced Budget Act of 1995 (H.R. 2491), which was vetoed by the President on December 6, 1995. For the legislative history of that bill, see the discussion of the Balanced Budget Act of 1995 (H.R. 2491) in this section.

The Committee also supported the inclusion of legislative language to privatize the United States Uranium Enrichment Corporation in H.R. 3019, which was enacted into law (P.L. 104-134). For the legislation history of H.R. 3019, see the discussion of the

Omnibus Consolidated Rescissions and Appropriations Act of 1996 in this section.

NUCLEAR WASTE POLICY ACT OF 1995

(H.R. 1020, S. 1936)

To amend the Nuclear Waste Policy Act of 1982.

*Summary*

The purpose of H.R. 1020 is to revamp the nation's current nuclear waste disposal policy. This is accomplished by establishing an integrated management system for the transportation, storage and disposal of high-level radioactive waste and spent nuclear fuel.

H.R. 1020 replaces the Nuclear Waste Policy Act of 1982 (P.L. 97-425, and amendments of P.L. 100-202 and P.L. 100-203), and seeks to achieve three primary goals: (1) maintenance of a strong commitment to the permanent repository program, which would provide a site for final disposal of U.S. spent nuclear fuel and high-level radioactive defense waste; (2) construction of an interim storage facility for spent nuclear fuel near the Yucca Mountain site, in order to fulfill the Department of Energy's obligation to begin accepting spent nuclear fuel in 1998; and (3) replacement of the current Nuclear Waste Fund financing mechanism with an annual fee based on the level of spending for waste disposal activities, to eliminate further diversions of the current Fund for non-nuclear waste disposal policy activities.

*Legislative History*

On February 23, 1995, Representatives Upton, Towns, Bilirakis, Manton, Stearns, Hall of Texas, Norwood, Gordon, Burr, Thurman, Hastert, Gillmor, Moorhead, Graham, and Franks of Connecticut introduced H.R. 1020. The bill was referred to the Committee on Commerce, and in addition to the Committee on Resources, the Committee on Transportation and Infrastructure, and the Committee on the Budget.

The Subcommittee on Energy and Power held a number of hearings on the status of the nuclear waste disposal program and the current Nuclear Waste Policy Act. On June 28, 1995, the Subcommittee held an oversight hearing on the status of current interim storage practice and policy. On June 30, 1995, the Subcommittee on Energy and Power held an oversight hearing on the status of the permanent repository program and site characterization at the proposed permanent repository at Yucca Mountain, Nevada. Finally, the Subcommittee held a hearing on July 12, 1995, to examine various legislative proposals to revise the Nuclear Waste Policy Act. The hearing included the following legislation: H.R. 1020, the Nuclear Waste Policy Act of 1995; H.R. 496, the Nuclear Waste Policy Reassessment Act; H.R. 1032, the Electric Consumers and Environmental Protection Act; H.R. 1174, the Nuclear Waste Disposal Funding Act; and H.R. 1924, the Interim Waste Act. Witnesses at these hearings included representatives from the Nevada Congressional delegation, the Administration, State and local government groups in the State of Nevada, State public utility commissions, utilities, and the environmental community.

The Subcommittee met in open markup session to consider H.R. 1020 on July 28, 1995, and approved H.R. 1020 for Full Committee consideration, with an amendment in the nature of a substitute, by a roll call vote of 18 yeas to 2 nays.

The Full Committee met in open markup session to consider H.R. 1020 on August 2, 1995, and ordered the bill reported, as amended, by a roll call vote of 30 yeas to 4 nays. The Committee reported H.R. 1020 to the House on September 20, 1995 (H. Rpt. 104-254, Part 1).

On September 20, 1995, the Committee on Transportation and Infrastructure was discharged from further consideration of H.R. 1020. On September 20, 1995, the referral of the bill to the Committee on Resources and the Committee on the Budget was extended for a period ending not later than October 20, 1995; on October 19, 1995, the referral of H.R. 1020 was extended until October 24, 1995. On October 24, 1995, both the Committee on Resources and the Committee on the Budget were discharged from further consideration of H.R. 1020.

A companion bill, S. 1936, was introduced in the Senate on July 9, 1996, by Mr. Craig and Mr. Murkowski and read the first time. On July 10, 1996, the bill was read for the second time and placed on the Senate calendar. The Senate considered S. 1936 on July 16 and July 31, 1996; on July 31, 1996, the Senate passed S. 1936, amended, by a roll call vote of 63 yeas to 37 nays. On August 1, 1996, S. 1936 was received in the House and held at the Speaker's desk. On October 4, 1996, the measure was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure and the Committee on Resources.

No further action was taken on either H.R. 1020 or S. 1936 in the 104th Congress.

## WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL AMENDMENT ACT

(H.R. 1663, H.R. 2491, H.R. 3230)

To amend the Waste Isolation Pilot Plant Land Withdrawal Act.

*Summary*

H.R. 1663 eliminates outdated statutory requirements for, and expedites the commencement of, operations at the Waste Isolation Pilot Plant (WIPP). The WIPP is the nation's first repository for the permanent disposal of transuranic materials, and construction of the facility was completed in 1991. Several factors, including the testing of waste characteristics and certification for compliance with applicable environmental regulations, have resulted in delays in opening the WIPP. H.R. 1663 amends portions of the Waste Isolation Pilot Plant Land Withdrawal Act (P.L. 102-579) to eliminate unnecessary "in-situ" testing requirements at the facility and streamline the environmental compliance certification process.

*Legislative History*

On May 17, 1995, Mr. Skeen, Mr. Schaefer, and Mr. Crapo introduced H.R. 1663 in the House. The bill was referred to the Committee on Commerce, and in addition to the Committee on National Security.

The Subcommittee on Energy and Power held a hearing on H.R. 1663 on July 21, 1995. Witnesses at the hearing included representatives of the New Mexico Congressional delegation, the Administration, the State of New Mexico, local government, Federal contractors, and environmental groups.

The Subcommittee on Energy and Power met in open markup session to consider H.R. 1663, on July 28, 1995, and approved the bill, without amendment, for Full Committee consideration by a voice vote. On March 13, 1996, the Full Committee met in open markup session to consider H.R. 1663 and ordered the bill reported to the House, amended, by a voice vote. The Committee reported H.R. 1663 to the House on April 25, 1996 (H. Rpt. 104-540, Part 1). Referral of the bill to the Committee on National Security was extended for a period ending not later than June 14, 1996. On June 14, 1996, the Committee on National Security was discharged from further consideration of H.R. 1663. No further action was taken on H.R. 1663 in the 104th Congress.

On September 13, 1995, the Full Committee considered a Committee Print entitled "Waste Isolation Pilot Project," which consisted of the text of H.R. 1663 as approved by the Subcommittee on Energy and Power, and ordered the Committee Print transmitted to the Committee on the Budget for inclusion in the Balanced Budget Act of 1995. For the legislative history of that bill, see the discussion of the Balanced Budget Act of 1995 (H.R. 2491) in this section.

The Committee also supported the inclusion of legislative language to amend the Waste Isolation Pilot Plant Land Withdrawal Amendment Act in H.R. 3230, which was enacted into law (Public Law 104-201). For the legislation history of H.R. 3230, see the discussion of the National Defense Authorization Act for Fiscal Year 1997 in this section.

## ENERGY POLICY AND CONSERVATION REAUTHORIZATION ACT OF 1995

(H.R. 2596)

To extend energy conservation programs under the Energy Policy and Conservation Act through Fiscal Year 1999, and for other purposes.

*Summary*

H.R. 2596 reauthorizes expiring Energy Policy and Conservation Act (EPCA) programs such as the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement. These programs expired at the end of Fiscal Year 1996. It also reauthorizes the following programs: the State Energy Conservation Program and the Institutional Conservation Program, which expired at the end of Fiscal Year 1993; the Weatherization Assistance Program, which expired at the end of Fiscal Year 1994; and the Committee on Renewable Energy Commerce and Trade, and the Committee on Energy Efficiency Commerce and Trade which expired at the end of Fiscal Year 1995. The bill reauthorizes these programs through Fiscal Year 1999 for such sums as may be necessary.

*Legislative History*

On November 8, 1995, Mr. Schaefer introduced H.R. 2596 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 2596 on November 9, 1995. Witnesses from the Administration and private industry testified at the hearing. On March 5, 1996, the Subcommittee on Energy and Power met in open markup session to consider H.R. 2596 and approved the bill for Full Committee consideration by a voice vote.

On March 13, 1996, the Full Committee met in open markup session to consider H.R. 2596 and ordered the bill reported to the House, without amendment, by a voice vote.

No further action was taken on the legislation in the 104th Congress.

## ALASKA POWER ADMINISTRATION SALE ACT OF 1995

(H.R. 1122, S. 395)

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration and for other purposes.

*Summary*

H.R. 1122 authorizes and directs the Secretary of Energy to sell and transfer two hydroelectric projects in Alaska pursuant to a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the State of Alaska and a Purchase Agreement entered into between the Alaska Power Administration of the U.S. Department of Energy and the Eklutna Purchasers. H.R. 1122 also grants jurisdiction to the U.S. District Court for the District of Alaska to review decisions made under the Memorandum of Agreement entered into between the State of Alaska, the Eklutna Purchasers, and Federal fish and wildlife agencies regarding the protection, mitigation of damages to, and enhancement of fish and wildlife. H.R. 1122 provides that any action seeking review of the fish and wildlife program under the Memorandum of Agreement must be brought within 90 days of the date of adoption of the program. H.R. 1122 provides for termination of the Alaska Power Administration of the Department of Energy.

*Legislative History*

On March 3, 1995, Mr. Young of Alaska introduced H.R. 1122. The bill was referred to the Committee on Resources, and in addition to the Committee on Commerce.

On July 13, 1995, the Committee on Resources reported H.R. 1122 to the House (H. Rpt. 104-187, Part 1). The referral of the bill to the Committee on Commerce was extended for a period ending not later than October 16, 1995; on October 16, 1995, the referral of the bill was extended until November 24, 1995.

The Subcommittee Energy and Power held a hearing on H.R. 1122 on July 19, 1995. Witnesses included the Chair of the Federal Energy Regulatory Commission, the General Counsel of the Department of Energy, and the president of a trade association that represents investor-owned electric utilities.

On November 24, 1995, the Committee on Commerce was discharged from further consideration of H.R. 1122.

No further action was taken on H.R. 1122 in the 104th Congress. However, provisions of H.R. 1122 were included in the conference agreement on S. 395 which was signed into law on November 28, 1995. For the legislative history of that bill, see the discussion of the Alaska Power Administration Asset Sale and Termination Act (Public Law 104-58) in this section.

## FEDERAL POWER ASSET PRIVATIZATION ACT OF 1995

(H.R. 1801)

To privatize certain Federal power generation and transmission assets, and for other purposes.

*Summary*

The purpose of this bill is to privatize certain Federal electric power generation and transmission assets. H.R. 1801 directs the Department of Energy to sell all electric power generation and transmission facilities administered or coordinated by Federal Power Marketing Administrations at the highest possible price. The bill establishes a deadline for the completion of sales, provides for termination of the agencies upon sale of the facilities, limits annual rate increases to 10 percent, and directs the Federal Energy Regulatory Commission to issue a license to the purchasers of the hydroelectric projects.

*Legislative History*

On June 8, 1995, Mr. Foley introduced H.R. 1801 in the House. The bill was referred to the Committee on Resources, and in addition to the Committee on Commerce.

On July 19, 1995, the Subcommittee on Energy and Power held a hearing on H.R. 1801. Witnesses included the Chair of the Federal Energy Regulatory Commission, the General Counsel of the Department of Energy, and the president of a trade association that represents investor-owned electric utilities.

No further action was taken on H.R. 1801 in the 104th Congress.

## TO EXTEND THE DEADLINE UNDER THE FEDERAL POWER ACT APPLICABLE TO THE CONSTRUCTION OF A HYDROELECTRIC PLANT IN OREGON

(H.R. 1835)

To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes.

*Summary*

The purpose of H.R. 1835 is to extend the nonstatutory deadline for construction of a hydroelectric project in Oregon.

Section 13 of the Federal Power Act grants the Federal Energy Regulatory Commission (FERC) discretion to set deadlines for the completion of hydroelectric project construction, while permitting FERC to extend the deadline "when not incompatible with the pub-

lic interests." As a general rule, FERC believes it is not in the public interest to significantly extend the deadline by which a licensee must complete construction of its project. In the case of the Oregon project, construction has begun, but cannot be completed until the Army Corps of Engineers installs water temperature control structures at the site. H.R. 1835 extends the deadline for completion of project construction.

*Legislative History*

On June 14, 1995, Representatives DeFazio, Furse, and Wyden introduced H.R. 1835 in the House. The Subcommittee on Energy and Power held a hearing on H.R. 1835 on October 18, 1995. The sole witness was the General Counsel of the Federal Energy Regulatory Commission. Subsequent to the hearing, FERC granted an administrative extension of the deadline for the completion of construction of the project.

No further action was taken on H.R. 1835 in the 104th Congress.

## OVERSIGHT OR INVESTIGATIVE ACTIVITIES

### THE DEPARTMENT OF ENERGY BUDGET REQUEST FOR FISCAL YEAR 1996

On February 8, 1995, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE) budget request for Fiscal Year 1996. The purpose of the hearing was to examine the shifting funding priorities within DOE as work moves from nuclear weapons production into environmental remediation of its facilities. Specifically, the hearing focused on DOE's plans to initiate a 5-year program to reduce departmental spending by $14.1 billion. Information presented at the hearing assisted the Committee in subsequent action on the Administration's budget proposals, including activity on the Balanced Budget Act of 1995 (H.R. 2491).

### PRIVATIZATION OF THE UNITED STATES ENRICHMENT CORPORATION

On February 24, 1995, the Subcommittee on Energy and Power held a hearing on privatization of the United States Enrichment Corporation (USEC). The hearing focused on the potential benefits and drawbacks of selling the USEC, how best to structure a sale in order to maximize the return to the Federal Treasury, and the importance of maintaining a strong domestic uranium enrichment capability. Witnesses included representatives from USEC, the Administration, investment groups, and the environmental community.

### REAUTHORIZATION OF THE NATURAL GAS PIPELINE SAFETY ACT AND THE HAZARDOUS LIQUID PIPELINE SAFETY ACT

On March 9, 1995, the Subcommittee on Energy and Power held a hearing on reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Act. The purpose of the hearing was to inform the Subcommittee of reauthorization options in preparation for subsequent legislative action. Administration, State, and gas pipeline witnesses testified to the continuing need

for pipeline safety legislation and recommended some changes to the existing legislation.

STATUS OF INTERNATIONAL GLOBAL CLIMATE CHANGE NEGOTIATIONS

The Subcommittee on Energy and Power held four hearings on global climate change during the 104th Congress. The focus of these hearings was to review Administration policy in international global climate change treaty negotiations.

The Subcommittee's March 21, 1995, climate change hearing focused on the Administration's plans for the final meeting of the International Negotiating Committee for a Framework Convention on Global Climate Change. The hearing explored the status of international climate change negotiations and their impact on the U.S. economy. Administration and private industry witnesses discussed climate change policy issues such as the adequacy of current treaty commitments, joint implementation activities, and plans for the first meeting of the climate change treaty signatories.

On May 19, 1995, the Subcommittee held its second climate change hearing to explore what commitments the U.S. entered into at the First Conference of the Parties to the Framework Convention on Global Climate Change. Administration witnesses from the Department of State and other relevant agencies testified as to their interpretation of the "Berlin Mandate", the differing burdens it placed on developed and developing nations, and how those differing burdens would impact the U.S. economy and its global trade competitiveness.

The Subcommittee's third hearing on international global climate change negotiations was held on June 19, 1996. The hearing focused on the Administration's expected outcome for the Second Conference of the Parties to a Framework Convention on Climate Change (FCCC). Administration witnesses from the Department of State, the Department of Energy, and the Environmental Protection Agency outlined the Administration's position with respect to climate change.

On September 26, 1996, the Subcommittee on Energy and Power held its final global climate change hearing for the 104th Congress. This hearing focused on the Ministerial Statement adopted at the Second Conference of the Parties and its impact on the United States. Witnesses from the Department of State, the Department of Energy, the Department of Commerce, and the Environmental Protection Agency testified regarding the impact a future climate change agreement might have on the economy of the United States and the global environment.

FUTURE OF ALTERNATIVE FUELS

On June 6, 1995, the Subcommittee on Energy and Power held an oversight hearing on the Future of Alternative Fuels. The hearing focused on the Administration's implementation of the alternative fuels provisions of the Clean Air Act Amendments of 1990 and the Energy Policy Act of 1992. Witnesses included Administration representatives, as well as representatives from the oil and gas and automobile fleet management industries.

REORGANIZATION OF THE DEPARTMENT OF ENERGY

On June 21, 1995, the Subcommittee on Energy and Power held an oversight hearing on reorganization of the Department of Energy (DOE). A Member of Congress explained his proposal to abolish the agency and transfer certain functions to other agencies. The Secretary of Energy opposed terminating DOE, instead favoring an internal reorganization plan to improve performance and produce savings. Other witnesses included representatives from the General Accounting Office, the Department of Defense, industry, and an environmental group, a former DOE official, and a DOE contractor.

INTERIM STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

On June 28, 1995, the Subcommittee on Energy and Power held an oversight hearing focusing on the status of current interim storage practices and policies. The purpose of the hearing was to examine the safety implications of present-day storage techniques for spent nuclear fuel from commercial nuclear operations and high-level radioactive waste from U.S. nuclear defense activities. Information gathered at this hearing was instrumental during the Committee's later consideration of legislation to overhaul the nation's current nuclear waste disposal program. Witnesses included representatives from the Nevada Congressional delegation, the Administration, State public utility commissions, utilities, and the environmental community.

STATUS OF HIGH-LEVEL RADIOACTIVE WASTE REPOSITORY CHARACTERIZATION

On June 30, 1995, the Subcommittee on Energy and Power held an oversight hearing on the status of the permanent repository program and site characterization at the proposed permanent repository at Yucca Mountain, Nevada. The purpose of the hearing was to examine the progress of work to characterize Yucca Mountain as a suitable repository for high-level radioactive waste and spent nuclear fuel, and to evaluate the need for statutory and regulatory changes to expedite work at the proposed site. The testimony and information gathered at this hearing was instrumental during the Committee's deliberations on H.R. 1020, legislation amending the Nuclear Waste Policy Act of 1982. Witnesses included representatives from the Administration, State and local government groups in the State of Nevada, and the environmental community.

IMPLEMENTATION OF CORPORATE AVERAGE FUEL ECONOMY (CAFE) STANDARDS AND RELATED ISSUES

On July 24, 1995, the Subcommittee on Energy and Power held a hearing on the implementation of the Corporate Average Fuel Economy (CAFE) standards. The hearing focused on the purposes for such standards, their success in achieving those purposes, and proposed changes for the program to better achieve its purposes. Witnesses included Administration representatives, as well as representatives from automobile manufacturers, consumers, and insurers.

SECURITIES AND EXCHANGE COMMISSION'S REPORT: THE REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES

The Subcommittee on Energy and Power held two days of joint hearings with the Subcommittee on Telecommunications and Finance on the repeal or reform of the Public Utility Holding Company Act of 1935 (PUHCA). At the hearings held on August 4, 1995, and October 13, 1995, witnesses from the Securities and Exchange Commission (SEC), the Federal Energy Regulatory Commission (FERC) and State and private organizations focused on the SEC's report on PUHCA, its recommendations, and how PUHCA reform or repeal impacts the issue of electric utility industry restructuring.

PRIVATIZATION OF THE NAVAL PETROLEUM RESERVE

On September 8, 1995, the Subcommittee on Energy and Power held a hearing on proposals to privatize the Naval Petroleum Reserve. The purpose of the hearing was to inform the Subcommittee of the current status of the reserves and the various privatization proposals in preparation for subsequent legislative action, including the Balanced Budget Act of 1995 and the National Department of Defense Authorization Act for Fiscal Year 1996. Witnesses included a Department of Energy representative, as well as representatives from the oil and gas industries and consumer groups.

STATE OF ENVIRONMENTAL REMEDIATION AT DEPARTMENT OF ENERGY NUCLEAR FACILITIES

On October 31, 1995, the Subcommittee on Energy and Power held a hearing on the Department of Energy's (DOE) management of environmental remediation and compliance requirements at its facilities. The purpose of the hearing was to examine the current state of DOE's environmental management program, focusing on the impact that contractor reforms, State-Federal relationships, and programmatic changes have had on cleanup activities at DOE sites. Witnesses included Members of Congress, representatives of the Administration, State governments, the environmental community, and economic development groups.

FEDERAL ENERGY REGULATORY COMMISSION'S PROPOSED RULES AFFECTING THE ELECTRICITY INDUSTRY

On November 2, 1995, the Subcommittee on Energy and Power held a hearing on the Federal Energy Regulatory Commission's (FERC) Notice of Proposed Rulemaking on Open Access Transmission. Government and private industry witnesses testifying at the hearing discussed how the rulemaking will affect competition in wholesale electricity markets and what it means for electric utilities, their customers, and State regulators.

DEVELOPMENT OF TRITIUM PRODUCTION SOURCES FOR DEPARTMENT OF ENERGY DEFENSE NUCLEAR ACTIVITIES

On November 15, 1995, the Subcommittee on Energy and Power held an oversight hearing on Department of Energy (DOE) proposals to secure a stable source of tritium for U.S. atomic defense ac-

tivities and the Report of the Speaker's Task Force on Nuclear Cleanup and Tritium Production entitled *Getting on with Tritium Production.* The purpose of the hearing was to examine the different options available to DOE for tritium production and to determine what effects these options may have on nuclear power generation within the utility market. In addition, the Subcommittee considered the various options' impact on the health and safety of nuclear workers and surrounding communities. Witnesses included Members of Congress and representatives from the Administration, industry, and the environmental community.

DEPARTMENT OF ENERGY: MISUSE OF FEDERAL FUNDS

On November 17, 1995, the Subcommittee on Energy and Power held a joint hearing with the Subcommittee on Oversight and Investigations on misuse of Federal funds by the Department of Energy (DOE). The hearing focused on a DOE contract with a public affairs firm to rate the favorability and unfavorability of journalists and others toward the agency and how these ratings were used by DOE. Additionally, the hearing encompassed allegations of misuse of Federal funds by DOE in other areas, such as public relations and foreign travel. The sole witness was the Secretary of Energy Hazel O'Leary.

PACIFIC NORTHWEST POWER SYSTEM

The Subcommittee on Energy and Power held two oversight hearings in the 104th Congress which focused on the Pacific Northwest Power System.

On December 6, 1995, the Subcommittee on Energy and Power held an oversight hearing to examine the role of the Bonneville Power Administration in a competitive electric power market and to determine whether changes to the statutes governing Bonneville are necessary. The Administrator of the Bonneville Power Administration testified, as did representatives of Bonneville's customers, publicly-owned utilities and direct service industries, and Bonneville's competitors, publicly-owned and investor-owned utilities.

On June 18, 1996, the Subcommittee on Energy and Power held a hearing on the impact of the Army Corps of Engineers' management and operation of main-stem hydropower projects on the Snake and Columbia Rivers on fish mitigation and electric generation in the Pacific Northwest. The purpose of the hearing was to examine the impact of operation of these projects on fish mitigation costs. Because of its dependence on hydropower, electric generation and fish mitigation have long been intertwined in the Pacific Northwest, and fish mitigation costs impair the competitive position of the Bonneville Power Administration. The Subcommittee heard testimony from a range of witnesses on the Corps' operation of these facilities.

PUBLIC UTILITY REGULATORY POLICIES ACT AND ITS ROLE IN INCREASING COMPETITIVE ELECTRICITY MARKETS

On February 1, 1996, the Subcommittee on Energy and Power held an oversight hearing on the Public Utility Regulatory Policies Act (PURPA) and its role in increasingly competitive electricity

markets. This hearing was a continuation of the Subcommittee's comprehensive examination of the electric utility industry. The hearing focused on the role PURPA played in introducing competition in the electric utility industry and other means to ensure competition in the future.

ELECTRICITY: STATE OF THE STATES

On February 27, 1996, the Subcommittee on Energy and Power held a hearing focusing on State activities to restructure the electric utility industry. State legislators and State utility regulators testified about activities being undertaken in their States to increase retail competition in the electric utility industry. Witnesses also addressed the need for Federal electric restructuring legislation.

THE DEPARTMENT OF ENERGY BUDGET REQUEST FOR FISCAL YEAR 1997

On March 22, 1996, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE) budget request for Fiscal Year 1997. The purpose of the hearing was to examine the shifting funding priorities of DOE missions at a time of flat budgets. The hearing focused largely on concerns regarding DOE's management of the Environmental Management program, the progress of the high-level nuclear waste program, DOE's nuclear nonproliferation programs, and the future of the national laboratories. The Subcommittee heard testimony from a panel of DOE witnesses, led by DOE Under Secretary Thomas P. Grumbly.

TECHNOLOGICAL, ENVIRONMENTAL AND FINANCIAL ISSUES RAISED BY INCREASING COMPETITIVE ELECTRICITY MARKETS

On March 28, 1996, the Subcommittee on Energy and Power continued its comprehensive review of the electric utility industry with a hearing focused on technological, environmental and financial issues raised by increasingly competitive electricity markets. The hearing addressed the impact retail competition in the electric industry would have on a broad range of issues, including the environment, reliability, development of new technology, low-income electric consumers, and the financial integrity of utility companies. Witnesses included representatives from environmental, financial and technology firms, consumer advocates, and utilities.

FEDERAL ENERGY REGULATORY COMMISSION'S FINAL RULE ON OPEN ACCESS TRANSMISSION AND THE FUTURE OF ELECTRIC UTILITY REGULATION

On May 1, 1996, the Subcommittee on Energy and Power held a hearing on the Federal Energy Regulatory Commission's (FERC) Final Rule on Open Access Transmission (Order 888) and the Future of Electric Utility Regulation. Order 888 mandates that utilities provide open access wholesale transmission services on interstate transmission lines. All five FERC Commissioners testified regarding the rule and the impact it will have on wholesale electricity markets.

FUTURE OF THE STRATEGIC PETROLEUM RESERVE

On May 8, 1996, the Subcommittee on Energy and Power held a hearing on the future of the Strategic Petroleum Reserve. The hearing focused on the impact recent sales of oil from the Reserve for budgetary purposes will have on U.S. energy security. Witnesses included representatives from the Department of Energy, the Energy Information Administration, the Congressional Budget Office, as well as oil and gas industry experts.

ELECTRICITY REGULATION: A VISION FOR THE FUTURE

On May 15, 1996, the Subcommittee on Energy and Power completed its comprehensive review of the electric utility industry with a hearing on the future of electricity regulation. Witnesses from all sectors of the electric utility industry, as well as large and small electric consumers, regulators, and marketers testified about their vision of the future of the electric utility industry, the role of retail competition in that future, and the need for Federal electricity legislation.

PROGRESS OF THE DEPARTMENT OF ENERGY'S STRATEGIC ALIGNMENT AND DOWNSIZING INITIATIVE

On June 12, 1996, the Subcommittee on Energy and Power held an oversight hearing on the General Accounting Office's May 1996 report on the progress of the Department of Energy's (DOE) Strategic Alignment and Downsizing Initiative. The purpose of the hearing was to examine the progress of DOE's efforts to implement its internal program to reduce layers of management, eliminate redundancies, and responsibly integrate operational activities where possible. Witnesses included representatives of the General Accounting Office and the Department of Energy.

ONE-CALL NOTIFICATION PROGRAM

On June 27, 1996, the Subcommittee on Energy and Power held a hearing on one-call notification programs. The Subcommittee considered issues related to the establishment of one-call notification programs to protect natural gas and hazardous liquid pipelines and other underground facilities from being damaged by excavations, including whether Federal legislation is necessary to promote establishment of these programs and the necessary elements of any such legislation. Witnesses included officials from Federal agencies and representatives of underground facility owners and contractors.

FEDERAL ENERGY EFFICIENCY STANDARDS FOR CONSUMER PRODUCTS

On July 25, 1996, the Subcommittee on Energy and Power held a hearing on the Department of Energy's (DOE) management of the energy efficiency standards program for various consumer products. DOE's management of the appliance standards program has been criticized for inadequate consideration of consumer impacts and anticompetitive effects, limited involvement of stakeholders, and reliance on poor technical expertise. These concerns led Congress to include a moratorium on promulgation of new standards in the Department of the Interior and Related Agencies Appropria-

tions Act for Fiscal Year 1996. In response, DOE promulgated a rule to govern the consideration of new or revised energy efficiency standards for consumer products. The hearing examined whether this rule corrects the problems in DOE's management of the program. Witnesses included representatives from DOE, industry associations, and the environmental community.

GENERAL OVERSIGHT OF THE NUCLEAR REGULATORY COMMISSION

The Subcommittee on Energy and Power held an oversight hearing on September 5, 1996, on general oversight of the U.S. Nuclear Regulatory Commission (NRC). The purpose of the hearing was to examine the efforts of the agency to adequately regulate those industries and Federal activities which utilize radioactive materials. Issues covered ranged from nuclear power plant safety, to progress of the proposed permanent high-level radioactive waste repository at Yucca Mountain, Nevada, to whistleblower protection and medical device regulation. The five members of the Commission were the only witnesses.

## HEARINGS HELD

*DOE Proposed FY 1996 Budget.*—Oversight Hearing on the Department of Energy's Budget Request for Fiscal Year 1996. Hearing held on February 8, 1995. PRINTED, Serial Number 104-4.

*Privatization of the U.S. Enrichment Corporation.*—Hearing on the Privatization of the United States Enrichment Corporation. Hearing held on February 24, 1995. PRINTED, Serial Number 104-8.

*Reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act.*—Hearing on the Reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act (49 U.S.C. § 60101 et seq.) Hearing held on March 9, 1995. PRINTED, Serial Number 104-10.

*International Global Climate Change Negotiations.*—Oversight Hearing on the Status of the International Global Climate Change Negotiations. Hearing held on March 21, 1995. PRINTED, Serial Number 104-13.

*The Texas Low-Level Radioactive Waste Disposal Compact.*—Hearing on H.R. 558, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. Hearing held on May 11, 1995. PRINTED, Serial Number 104-15.

*International Global Climate Change Negotiations.*—Oversight Hearing on the Status of the International Global Climate Change Negotiations. Hearing held on May 19, 1995. PRINTED, Serial Number 104-13.

*Future of Alternative Fuels.*—Oversight Hearing on the Future of Alternative Fuels. Hearing held on June 6, 1995. PRINTED, Serial Number 104-29.

*Reorganization of the Department of Energy.*—Oversight Hearing on the Reorganization of the Department of Energy. Hearing held on June 21, 1995. PRINTED, Serial Number 104-27.

*High-Level Nuclear Waste Policy.*—Oversight Hearing on Interim Storage. Hearing held on June 28, 1995. PRINTED, Serial Number 104-24.

*High-Level Nuclear Waste Policy.*—Oversight Hearing on the Proposed Permanent Repository at Yucca Mountain. Hearing held on June 30, 1995. PRINTED, Serial Number 104-24.

*High-Level Nuclear Waste Policy.*—Hearing on H.R. 1020, Nuclear Waste Policy Act of 1995; H.R. 496, Nuclear Waste Policy Reassessment Act; H.R. 1032, Electric Consumers and Environmental Protection Act of 1995; H.R. 1174, Nuclear Waste Disposal Funding Act; and H.R. 1924, Interim Waste Act. Hearing held on July 12, 1995. PRINTED, Serial Number 104-24.

*Privatization of the Federal Power Marketing Administrations.*—Hearing on H.R. 1801, Federal Power Asset Privatization Act of 1995, and H.R. 1122, Alaska Power Administration Sale Act. Hearing held on July 19, 1995. PRINTED, Serial Number 104-46.

*Waste Isolation Pilot Plant Land Withdrawal Amendments Act.*—Hearing on H.R. 1663, the Waste Isolation Pilot Plant Land Withdrawal Amendment Act. Hearing held on July 21, 1995. PRINTED, Serial Number 104-31.

*Implementation of Corporate Average Fuel Economy (CAFE) Standards.*—Oversight Hearing on the Implementation of Corporate Average Fuel Economy (CAFE) Standards. Hearing held on July 24, 1995. PRINTED, Serial Number 104-42.

*The Securities and Exchange Commission Report Entitled: The Regulation of Public-Utility Holding Companies.*—Joint Hearing with the Subcommittee on Telecommunications and Finance on the Securities and Exchange Commission's Report, entitled "The Regulation of Public-Utility Holding Companies." Hearing held on August 4, 1995. PRINTED, Serial Number 104-62.

*Legislation to Privatize the Naval Petroleum Reserve.*—Hearing on legislation to privatize the Naval Petroleum Reserve. Hearing held on September 8, 1995. PRINTED, Serial Number 104-44.

*The Securities and Exchange Commission's Report, "The Regulation of Public-Utility Holding Companies."*—Joint Oversight Hearing with the Subcommittee on Telecommunications and Finance on the Securities and Exchange Commission's Report, entitled "The Regulation of Public-Utility Holding Companies." Hearing held on October 13, 1995. PRINTED, Serial Number 104-62.

*Hydroelectric License Extensions.*—Hearing on H.R. 657, a bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; H.R. 680, a bill to extend the time for construction of FERC licensed hydro projects; H.R. 1011, a bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio; H.R. 1014, a bill to authorize extension of time limitation for a FERC-issued hydroelectric license; H.R. 1051, a bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia; H.R. 1290, a bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; H.R. 1335, a bill to provide for the extension of a hydroelectric project located in the State of West Virginia; H.R. 1366, a bill to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project; and H.R. 1835, a bill to extend the deadline under the Federal Power Act applicable to the

construction of a hydroelectric project in Oregon, and for other purposes. Hearing held on October 18, 1995. PRINTED, Serial Number 104-40.

*The Propane Education and Research Act of 1995.*—Hearing on H.R. 1514, the Propane Education and Research Act of 1995. Hearing held on October 26, 1995. PRINTED, Serial Number 104-63.

*Oversight Hearing on Environmental Remediation at DOE Facilities.*—Oversight Hearing on the State of Environmental Remediation at Department of Energy Nuclear Facilities. Hearing held on October 31, 1995. PRINTED, Serial Number 104-45.

*The Federal Energy Regulatory Commission's Proposed Rules Affecting the Electric Industry.*—Oversight Hearing on the Federal Energy Regulatory Commission's Proposed Rules Affecting the Electric Industry. Hearing held on November 2, 1995. PRINTED, Serial Number 104-70.

*Reauthorization of the Energy Policy and Conservation Act of 1995.*—Hearing on H.R. 2596, a bill to extend energy conservation programs under the Energy Policy and Conservation Act through Fiscal Year 1999, and for other purposes. Hearing held on November 9, 1995. PRINTED, Serial Number 104-49.

*Oversight Hearing on Tritium Production.*—Oversight Hearing on Tritium Production and the Report of the Speaker's Task Force entitled *Getting on with Tritium Production.* Hearing held on November 15, 1995. PRINTED, Serial Number 104-47.

*Department of Energy: Misuse of Federal Funds.*—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Misuse of Federal Funds by the Department of Energy. Hearing held on November 17, 1995. PRINTED, Serial Number 104-56.

*Oversight Hearing on the Pacific Northwest Power System.*—Oversight Hearing on the Pacific Northwest Power System. Hearing held on December 6, 1995. PRINTED. Serial Number 104-67.

*Oversight Hearing on the Public Utility Regulatory Policies Act and its Role in Increasingly Competitive Electricity Markets.*—Oversight Hearing on the Public Utility Regulatory Policies Act and its Role in Increasingly Competitive Electricity Markets. Hearing held on February 1, 1996. PRINTED, Serial Number 104-65.

*Electricity: State of the States.*—Oversight Hearing on Electricity: State of the States. Hearing held on February 27, 1996. PRINTED, Serial Number 104-91.

*Authorization of the Uranium Mill Tailings Radiation Control Act.*—Hearing on H.R. 2967, a bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes. Hearing held on February 28, 1996. PRINTED, Serial Number 104-66.

*Department of Energy's Proposed Budget for Fiscal Year 1997.*—Oversight Hearing on the Department of Energy's Budget Request for Fiscal Year 1997. Hearing held on March 22, 1996. PRINTED, Serial Number 104-85.

*Technological, Environmental, and Financial Issues Raised by Increasingly Competitive Electricity Markets.*—Oversight Hearing on the Technological, Environmental, and Financial Issues Raised by Increasingly Competitive Electricity Markets. Hearing held on March 28, 1996. PRINTED, Serial Number 104-94.

*Federal Energy Regulatory Commission's Final Rule on Open Access Transmission and the Future of Electric Utility Regulation.*—Oversight Hearing on the Federal Energy Regulatory Commission's Final Rule on Open Access Transmission and the Future of Electric Utility Regulation. Hearing held on May 1, 1996. PRINTED, Serial Number 104-92.

*The Future of the Strategic Petroleum Reserve.*—Oversight Hearing on the Future of the Strategic Petroleum Reserve. Hearing held on May 8, 1996. PRINTED, Serial Number 104-90.

*Electricity: A Vision for the Future.*—Oversight Hearing on Electricity Regulation: A Vision for the Future. Hearing held on May 15, 1996. PRINTED, Serial Number 104-95.

*Progress of the Department of Energy's Strategic Alignment and Downsizing Initiative.*—Oversight Hearing on the General Accounting Office Report on the Department of Energy's Strategic Alignment and Downsizing Initiative. Hearing held on June 12, 1996. PRINTED, Serial Number 104-96.

*Oversight Hearing of the Pacific Northwest Power System.*—Oversight Hearing on the Pacific Northwest Power System. Hearing held on June 18, 1996. PRINTED, Serial Number 104-88.

*Status of the International Global Climate Change Negotiations.*—Oversight Hearing on the Status of the International Global Climate Change Negotiations. Hearing held on June 19, 1996. PRINTED, Serial Number 104-119.

*Oversight Hearing of the One-Call Notification Program.*—Oversight Hearing on the One-Call Notification Program. Hearing held on June 27, 1996. PRINTED, Serial Number 104-84.

*Federal Energy Efficiency Standards for Consumer Products.*—Oversight Hearing on Federal Energy Efficiency Standards for Consumer Products. Hearing held on July 25, 1996. PRINTED, Serial Number 104-118.

*Oversight Hearing on the Nuclear Regulatory Commission.*—Oversight Hearing held on the Nuclear Regulatory Commission. Hearing held on September 5, 1996. PRINTED, Serial Number 104-114.

*Status of the International Global Climate Change Negotiations.*—Oversight Hearing on the Status of the International Global Climate Change Negotiations. Hearing held on September 26, 1996. PRINTED, Serial Number 104-119.

## SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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*Jurisdiction:* Responsibility for oversight of agencies, departments and all programs within the jurisdiction of the full committee, and for conducting investigations within such jurisdiction.

## INTRODUCTION

During the 104th Congress, the Subcommittee on Oversight and Investigations initiated several major inquiries which included comprehensive oversight of the activities of the Food and Drug Administration, the Department of Health and Human Services, the Environmental Protection Agency, and the Department of Energy. Some of these investigations have provided the basis for enactment of corrective legislation in the 104th Congress, and some will provide the foundation for legislative action in the 105th Congress. In addition, some of the Subcommittee's inquiries also have resulted in meaningful changes in the Executive Branch's implementation and enforcement of current laws and the establishment of cost-saving measures in the operations of the various departments and agencies.

In the 104th Congress, the Subcommittee on Oversight and Investigations held nine hearings on matters pertaining to the Food and Drug Administration (FDA). Six of these hearings dealt specifically with the day-to-day operation of the FDA. The Subcommittee focused on serious questions concerning the FDA process for reviewing and approving drugs, medical devices, and biologics. The Subcommittee evaluated concerns that delays in these processes were impeding patient access to beneficial new treatments and, in the long term, chilling innovation. The Subcommittee examined the approval process for medical devices, drugs, and biologics, the FDA's performance, actual impacts, and possible improvements to be undertaken.

The Subcommittee also heard testimony from witnesses about what they viewed as burdensome FDA regulations as well as testimony from FDA officials defending their policies. The Subcommittee examined allegations of structural problems in the approval process, areas said to be creating inefficiencies, and allegedly unnecessary burdens for biotechnology research and products.

Finally, the Subcommittee reviewed concerns centered on what witnesses perceived as inconsistencies in the implementation of FDA's enforcement policy.

Witnesses at these hearings testified about their beliefs that a number of problems exist with the day-to-day operation of the FDA and that legislation is needed to address these problems. On March 29, 1996, three bills were introduced in the House: (1) H.R. 3199, the Drug and Biological Products Reform Act of 1996; (2) H.R. 3200, the Food Amendments and Animal Drug Availability Act of 1996; and (3) H.R. 3201, the Medical Device Reform Act of 1996. The Subcommittee on Health and Environment held legislative hearings on these bills on May 1 and May 2, 1996. For the legislative history of H.R. 3199, H.R. 3200, and H.R. 3201, see the discussions of those bills in the Subcommittee on Health and Environment section of this report.

The Subcommittee on Oversight and Investigations also held three hearings which focused on FDA policies in three specific areas. The first hearing dealt with cancer patient access to unapproved treatments. The hearing focused on what alternatives, including possible FDA action, are available to cancer patients with life-threatening illnesses whose access to an unapproved treatment is interrupted or threatened as a result of Federal food and drug law investigations or prosecutions, where there is credible evidence of risk to the patient from cutoff of that treatment.

The second of these hearings dealt with FDA integrity issues, including management and review practices at FDA. Specifically witnesses discussed a disclosure of documents relating to one firm's application to a competing applicant. The hearing also examined the operations of the FDA's Office of Internal Affairs and the adequacy of FDA's self-investigation of allegations of FDA employee misconduct.

The third hearing focused on FDA's policies with respect to home testing services and devices. In particular, the Subcommittee examined two regulatory issues relating to FDA's regulation of home-testing services and devices. The hearing dealt with the review of a non-invasive transcutaneous glucose monitor intended for the quantitative determination of blood glucose in diabetics, including some allegations of possible conflicts of interest on FDA advisory committees. This hearing also focused on parental access to drug-testing services and the FDA's policy position in this area. Currently, two firms are known to be marketing collection kits for home drug-testing services for parental use. FDA has asserted regulatory jurisdiction in this area on the basis that the specimen collection envelopes or cups mailed to the drug-testing laboratories are medical devices. Furthermore, FDA had opposed over-the-counter access to such products because test results might be incorrectly interpreted and improperly used, citing, in part, social and ethical concerns. The Subcommittee intends to closely monitor the FDA policies and actions in this area.

During the 104th Congress, the Subcommittee on Oversight and Investigations held 2 days of joint hearings with the Subcommittee on Health and Environment dealing with waste, fraud, and abuse in the Medicare Program. Medicare is the second largest social benefit program in the Federal budget, exceeded only by Social Secu-

rity, and covers over 37 million aged and disabled Americans. The General Accounting Office estimated that the loss of funds resulting from Medicare waste, fraud, and abuse averages 10 percent a year, or $19.8 billion in taxpayer funds in Fiscal Year 1996. Those funds lost to waste, fraud, and abuse exact a high cost from current Medicare beneficiaries in terms of the level and quality of the services they receive.

The Subcommittee's investigation focused on the vulnerabilities of the Medicare program to fraud, waste, and abuse. As a result of Congressional concerns reflected in the Subcommittee's investigation and other hearings, provisions were included in both H.R. 2425, the Medicare Preservation Act of 1995, and H.R. 2491, the Balanced Budget Act of 1995, to combat waste, fraud and abuse.

The Subcommittee on Oversight and Investigations held ten hearings which focused specifically on the implementation and enforcement of the Clean Air Act Amendments of 1990. These hearings provided a detailed review of the Environmental Protection Agency's (EPA's) interpretation and implementation of the 1990 Amendments covering issues within Titles I, II, III, V, and VI of the 1990 Amendments. In addition, the Subcommittee sent numerous written inquiries to the Agency and reviewed Agency operations in a number of different areas.

The 1990 Clean Air Act Amendments made substantial changes and additions to previous law, establishing new provisions regarding permit programs, acid rain, and stratospheric ozone, and substantially revising existing provisions governing mobile source controls, hazardous air pollutants, ground level ozone, major stationary source controls, and other matters. As part of those changes, the 1990 Amendments directed EPA to take specific administrative actions and issue numerous rulemakings according to specific statutory deadlines; the November 1995 Update of the Implementation Strategy for The Clean Air Act Amendments of 1990 lists 174 such deadlines. The 1990 Amendments contemplated these administrative actions to take place throughout the 1990s and, in some cases, beyond the year 2000.

The Subcommittee sought to assess the present status of these efforts, including the Agency's adherence to the statutory provisions and regulatory schedule signed into law in 1990. The Subcommittee also endeavored to uncover provisions enacted in 1990 which were not achieving the intended result or which presented difficulties in implementation and to identify legislative corrections which may be required to address these difficulties.

Since the Clean Air Act is enforced primarily at the State level, the Subcommittee began its hearings with a general overview of the 1990 Amendments, receiving testimony from the Administrator of EPA, Carol M. Browner, and three of our Nation's governors. The Subcommittee then proceeded to examine various areas of the 1990 Amendments which had been subject to widespread criticism, including the Employer Trip Reduction Program, centralized Inspection and Maintenance of vehicles, the Title V permit program, Title III hazardous air pollutants, Title VI stratospheric ozone provisions, and Title I provisions respecting ambient air quality standards.

As a result of the Subcommittee on Oversight and Investigation's aggressive schedule of hearings, legislative activity resulted in three specific instances during the First Session and a hearing record was established which will provide guidance in the 105th Congress if legislative action is necessary.

Specifically, on February 9, 1995, the Subcommittee held a hearing which outlined serious problems in the State of California regarding promulgation of a Federal Implementation Plan under the 1977 Clean Air Act Amendments. At the hearing, EPA Administrator Carol Browner expressed support for certain changes to the law which would correct this situation. These changes were later incorporated into Public Law 104-6.

After a March 16, 1995, Subcommittee hearing on the Employer Trip Reduction Program, EPA conducted a thorough review of options for altering the statutory Clean Air Act requirement by administrative means. In response to the Subcommittee's hearing, the Agency assembled a Clean Air Act Advisory Committee (CAAAC) Working Group. This group met twice and forwarded its recommendations to the full CAAAC. Although these recommendations were fully adopted by the Agency, concerns remained that the changes were insufficient to eliminate employer liability under the Clean Air Act. Based on these concerns and the hearing record, the Committee on Commerce proceeded to mark up H.R. 325 and report the bill to the House. H.R. 325 passed the House and Senate and was signed into law by the President on December 23, 1995.

The Subcommittee on Oversight and investigations held two hearings on Inspection and Maintenance (I&M) on March 23 and March 24, 1995. Those hearings raised questions as to the degree of effectiveness of centralized testing and of IM240 testing equipment. Specifically, several witnesses questioned whether EPA had enough information to support the 50 percent discount for decentralized or test-and-repair programs. Testimony was also received as to the effectiveness and reliability of IM240 testing equipment. As a result of the groundwork laid during these hearings, the Committee on Commerce negotiated language which was included in the National Highway System Designation Act of 1995 that eliminated EPA's automatic 50 percent discount for decentralized or test-and-repair programs, and set up an 18 month demonstration period for States to gather information on the effectiveness of alternative network designs and equipment types. That bill was signed into law by the President on November 28, 1995.

In addition, on August 1, 1995, the Subcommittee on Oversight and Investigations conducted a hearing to review Title VI of the 1990 Amendments. During this hearing, the Subcommittee received testimony regarding the negative consequences to the competitive position of American agriculture if the United States retains a 2001 phase-out date for methyl bromide. The Subcommittee also solicited the written views of EPA and the Department of State regarding the U.S. negotiating position in upcoming meetings of the Parties to the Montreal Protocol. In addition, the ability of EPA to grant "essential use exemptions" for methyl bromide past the year 2001 was rejected by both the Department of Agriculture at the hearing and, later, by a December 1995 General Accounting

Office report requested by the Ranking Minority Member of the Full Commerce Committee.

Issues concerning Title VI and the Seventh Meeting of the Parties to the Montreal Protocol in Vienna, Austria, in December 1995, were further explored in the Subcommittee on Health and Environment during a hearing held on January 25, 1996. This hearing, along with the record established in the Subcommittee on Oversight and Investigations, will provide a framework for assessing the implementation of Title VI, the impact of Title VI on international trade and the U.S. economy, the projected benefits to public health and the costs associated with such benefits, as well as the need for amendments to the Clean Air Act in this area.

At the end of the First Session, the Subcommittee on Oversight and Investigations began an extensive investigation of the Department of Energy (DOE) and its handling of Federal funds. In November 1995, numerous reports appeared in the press that the Department of Energy had used Federal funds to pay for a contract with CARMA International to monitor and analyze media coverage of the Secretary of Energy and the Department. In response to these reports, the Subcommittee on Oversight and Investigations held a joint oversight hearing with the Subcommittee on Energy and Power to determine if, in fact, the Department had used taxpayer dollars for the purpose of compiling information on reporters and Members of Congress and to examine the motivations behind the CARMA International contract and the use of the data received by the Department of Energy.

The hearing also revealed allegations of inappropriate expenses and undocumented spending incurred by the Office of the Secretary in connection with several international DOE trips. As a result of these allegations, and as part of the Subcommittee's commitment to closely examine all aspects of DOE's budget to ascertain if it is spending taxpayer dollars in the most cost-effective manner, the Subcommittee on Oversight and Investigations held a series of five hearings in the Second Session examining the Department of Energy's travel expenditures and related issues.

The first hearing focused on a General Accounting Office (GAO) Report issued on December 28, 1995, entitled *Energy Management: Unsubstantiated DOE Travel Payments,* which analyzed 2 of the 16 foreign trips taken by the Secretary. The trips in question were foreign trade missions to India and South Africa in July 1994 and August 1995, respectively.

The GAO testimony highlighted four major areas of concern. The first was the level of undocumented spending by the Department on both the India and South Africa trips—costs authorized by DOE, incurred by the U.S. Embassy, and reimbursed by DOE without records, receipts, or vouchers, which were in the Department of State. After examining the documents, DOE protested $117,000. Second, the GAO testimony revealed that the cost of aircraft acquisition was high and the processes for acquiring such had administrative problems. Third, the GAO testimony revealed a dispute over DOE reprogramming of defense funds to support foreign travel. GAO testified that DOE reprogrammed $400,000 from the defense-related appropriations account to pay expenses associated with foreign trade missions, an action that GAO said violated a long-stand-

ing principle of appropriations accounting. Finally, the GAO testimony revealed delays by DOE in seeking reimbursement of travel costs for persons who were not government employees.

The second hearing focused on recommendations made by the DOE Inspector General in 1994 to establish adequate controls over the acquisition and financing of air services used by the Department for international travel, and the Department's failure to implement those recommendations in a timely manner. At the hearing, the Inspector General testified that, as of March 8, 1996, the Department had addressed adequately only one of his 1994 recommendations.

In response to this hearing, the Subcommittee received a March 13, 1996, letter from Secretary O'Leary expressing her concern that all the reforms identified by the Inspector General had not been implemented. In addition, the Secretary promised not to go on any more trade missions until the Inspector General and the General Accounting Office agreed that DOE has implemented reforms to the acquisition of aircraft for trade missions, which was the bulk of the cost of the trade missions. DOE implemented these reform procedures on July 31, 1996.

Later Subcommittee hearings also examined DOE's assertions of trade mission-related exports and the relative value of the contracts signed as a result of the DOE trade missions, the benefits of the trade missions, and DOE's implementation of the changes.

The Subcommittee on Oversight and Investigations is committed to maintaining a vigilant watch in the 105th Congress on the expenditure of Federal funds by all of the departments and agencies under its jurisdiction. The Subcommittee also intends to continue monitoring closely the implementation and enforcement of the various laws under the Committee's jurisdiction to determine where reforms may be needed to eliminate unnecessary or burdensome regulations.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE ENVIRONMENTAL PROTECTION AGENCY

### HEARINGS

#### IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

(General Overview)

On February 9, 1995, the Subcommittee on Oversight and Investigations held a general oversight hearing on the implementation and enforcement of the Clean Air Act Amendments of 1990. At the hearing, the Administrator of the Environmental Protection Agency (EPA) testified, along with the Governors from the Commonwealth of Virginia and the States of California and Michigan.

The EPA Administrator presented testimony regarding the current status of efforts to control air pollution as well as the results of a Clean Air Act Conference co-sponsored by the National Governors Association and the Environmental Council of States. The Governors indicated what progress had been made under the 1990 Act and what problems remained in their individual States.

Problem areas cited by the Governors included: (1) centralized inspection and maintenance for vehicles; (2) transportation conformity; (3) calculation of Federal ozone standards; (4) the Title V permit program; (5) the Federal Implementation Plan for California; (6) redesignation of certain areas into attainment with Federal ambient air quality standards; (7) Federal Clean Air Act sanctions; (8) modifications under Sections 112(g) and 112(j) of the Act; (9) "enhanced monitoring;" and (10) minor new source review.

IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

(Employer Trip Reduction Program)

On March 16, 1995, the Subcommittee on Oversight and Investigations continued its hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990. This hearing focused on the Employer Trip Reduction Program (ETRP) and its effect on private employers, employees, and State and local governments. ETRP requires employers of over 100 employees in areas of the country that are classified as being in "severe" and "extreme" nonattainment with Federal ozone standards to implement measures to increase the average vehicle occupancy of their employees by 25 percent. ETRP is based on the theory that a reduction in the number of employee trips to and from work will result in reduced air emissions from mobile sources.

Witnesses at the hearing were the Assistant Administrator for Air and Radiation of the U.S. Environmental Protection Agency, a representative from the Illinois Department of Transportation, the President of the Association for Commuter Transportation, the President of the Urban Mobility Corporation, and an expert legal witness. In addition, the Subcommittee heard testimony from three witnesses representing corporations subject to ETRP requirements in the Philadelphia, Houston and Chicago urban, suburban, and outlying areas.

The Subcommittee examined the Environmental Protection Agency's implementation of the program, the liability of individual employers, the expected environmental benefits, and the relative costs of obtaining compliance. Testimony at the hearing indicated that full implementation of the ETRP program could result in substantial costs to the economy ($1.2 to $1.4 billion per year according to one EPA estimate) with questionable environmental benefits. In addition, it was established that roughly 28,000 employers nationwide could be potentially subject to citizen suits and liability if they were not in compliance with the statutory requirement to achieve a 25 percent increase in average vehicle occupancy of their employees. Subsequent Subcommittee correspondence directed to EPA further established that Project XL, a new initiative designed to promote alternative compliance with environmental mandates, would not insulate employers from citizen suit liability in instances where a State submitted and received approval of a final State Implementation Plan (SIP) implementing the ETRP program.

The investigative record of the Subcommittee served as the basis for subsequent legislative activity by the Committee on Commerce on H.R. 325, which was enacted into law on December 23, 1995.

For the legislative history of H.R. 325, see the discussion of Employer Trip Reduction Program Amendments (Public Law 104-70) in the Subcommittee on Health and Environment section of this report.

IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

(Inspection and Maintenance Program)

On March 23 and March 24, 1995, the Subcommittee held 2 days of hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990, focusing on the enhanced vehicle Inspection and Maintenance Program (I&M) Program, including the effectiveness of alternative technologies, consumer acceptance, and the relationship of I&M to other air pollution control strategies.

Sections 182, 184, and 187 of the Clean Air Act require certain ozone and carbon monoxide nonattainment areas and certain other areas in an ozone transport region to implement an "enhanced" inspection and maintenance program. In its 1992 I&M rule, the Environmental Protection Agency (EPA) determined that only centralized or test-only I&M programs would fully satisfy this requirement. The 1992 rule automatically discounted decentralized or test-and-repair programs by 50 percent.

The purpose of the hearing was for the Subcommittee to hear evidence as to whether such a discount was appropriate considering the language of the Clean Air Act and whether it was supported by available data. The Subcommittee also heard evidence as to whether EPA was providing appropriate flexibility in working with States in developing an appropriate I&M program. Finally, the Subcommittee heard evidence as to the effectiveness of alternative or supplementary testing methods, such as infrared remote sensing. Testimony was received from several sources including the Environmental Protection Agency, the California Inspection and Maintenance Review Committee, various scientific experts, interest groups, and State representatives and officials.

The hearing cast doubt on whether EPA had sufficient evidence to justify discounting decentralized test programs by 50 percent. In addition, various experts testified that they could observe little if any difference between decentralized and centralized testing systems when examining ambient air quality and other real world data. Several States testified that EPA was demonstrating very little flexibility in its implementation of the Clean Air Act Amendments of 1990. Finally, several States and experts testified to the effectiveness of utilizing infrared remote sensing in identifying gross polluting vehicles for repair.

As a result of the record established at this hearing, Members of the Committee on Commerce took part in negotiations with the Senate Committee on Environment and Public Works on provisions making corrections to the enhanced vehicle Inspection and Maintenance Program which were included in the conference report on the National Highway System Designation Act of 1995. That Act was signed into law by the President on November 28, 1995 (P.L. 104-59). For the legislative history of that bill, see the discussion of the National Highway System Designation Act of 1995 (P.L. 104-59) in-

cluded in the Subcommittee on Health and Environment section of this report.

Among other things, Public Law 104-59 removed the 50 percent discount applied to decentralized or test-and-repair inspection and maintenance programs and instead allows States to receive whatever credit they demonstrate their program should receive. In addition, the Act allowed States an 18-month period to experiment with various network designs and equipment types in order to improve the identification and repair of polluting vehicles.

## IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

### (Title V—Permits)

On May 18, 1995, the Subcommittee on Oversight and Investigations held a hearing focusing on Title V of the Clean Air Act Amendments (CAAA) of 1990. Title V of the 1990 CAAA requires major stationary sources to obtain permits in order to be able to continue to operate. Each permit is required to contain all of the applicable requirements found elsewhere in the Clean Air Act for that source.

Witnesses at the hearing included the EPA Assistant Administrator for Air and Radiation, State officials from Texas and Oregon responsible for implementation of the permit program in their States, witnesses from affected industries, and a citizen from the State of Texas. Testimony focused on the status of regulations implementing the Title V program, the cost of Title V permits, and the permit revision process.

The Subcommittee's hearing on Title V confirmed concerns that the permit program is a regulatory "moving target." Although EPA issued a final rule to implement Title V in July 1992, various elements of this rule were legally challenged by over 20 entities. EPA then published both an interim rule affecting approval of State permit programs and a rule setting out a four track system for revising permits on August 29, 1994. After much criticism, however, this rule was withdrawn, and on January 26, 1995, EPA announced it would begin working on another proposal. On April 10, 1995, EPA issued a predecisional draft outlining new procedures for revising operating permits.

A major concern of witnesses at the hearing was the ability of industrial facilities to make changes under a Title V permit without filing a formal revision to the underlying operating permit. Such revisions could cause significant delays in the time needed to obtain approval of permit changes. Witnesses complained that such delays could seriously affect their ability to compete in a dynamic international marketplace with no resulting benefit to the environment. An estimated 34,324 facilities are affected by Title V requirements nationwide.

In addition, testimony received at the hearing questioned the proper Federal/State relationship in administration of the Title V program. Many States had successful permit programs in place before the 1990 Clean Air Act Amendments. The State of Texas questioned whether Federal permit rules could interfere with the efficient implementation of their State program. In specific, the State

advocated that EPA should implement Title V so as to provide "broad guidance rather than prescriptive requirements."

The hearing also served to outline the impact of Section 505(a) of the Clean Air Act, added by the 1990 Amendments. This provision provides for the transmittal of each permit application to EPA. According to testimony presented by Assistant Administrator Nichols, "I don't think that that is something that, if we were writing it today, we would have written it that way. I would like to find a way to burden less of a transfer of paper."

The hearing also focused on the administrative delays created by the Title V program. Under present law, it is possible for a permit application or revisions to a permit to be subject not only to public notice and hearings when initiated (a minimum of 30 days) but also to further delay due to the EPA review period (45 days) and the possibility of a public petition to request EPA to object to a permit application or revision (60 days following the end of the 45 day review period).

Finally, some witnesses questioned cost estimates associated with the Title V program. In 1992, EPA estimated the cost of the Title V program at $526 million per year, however, anecdotal evidence received by the Subcommittee suggests that some larger facility permits may experience substantial cost burdens, ranging in excess of several hundred thousand dollars. Since 9,160 larger facilities are estimated to exist in the United States, costs of this magnitude for individual permits could result in a significant overall burden on economic activity.

Following the Subcommittee's hearing, the Environmental Protection Agency took several administrative actions with respect to Title V. First, on July 10, 1995, EPA issued the "White Paper for Streamlined Development of Part 70 Permit Applications." The intent of this guidance was to reduce the amount of information which industry must submit as part of a Title V application. Second, on March 5, 1996, the EPA published "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program." This guidance sought to streamline multiple applicable requirements on the same emission unit or units, account for changing SIP requirements and their impact on permit applications, address "insignificant" emission units, provide for stipulation of major source status, and allow for cross-referencing of information in both permits and applications. Additionally, on July 1, 1996, EPA promulgated final regulations concerning the Federal Operating Permits Program (61 Fed.Reg. 34202-342249).

## IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

### (Title II—Reformulated Gasoline Program)

On June 7, 1995, the Subcommittee on Oversight and Investigations held an oversight hearing on the implementation and enforcement of the Clean Air Act Amendments of 1990 (CAAA), focusing on the Reformulated Gasoline (RFG) Program under Title II of the Clean Air Act. The purpose of the hearing was to hear testimony on the success of the program and to examine any implementation problems associated with the program, including any supply short-

ages, price fluctuations, and "opt-out" procedures for those non-attainment areas that have voluntarily "opted-in" the RFG program. The Subcommittee also received testimony on Phase II of the RFG program which may be more costly to implement than Phase I. Testimony was received from representatives of the Environmental Protection Agency (EPA) and various business interest groups.

The Subcommittee hearing indicated that price increases associated with the introduction of RFG fuels in January 1995 were in the range of 3 to 5 cents per gallon and that the first wintertime experience with the program had not resulted in fuel shortages. In addition, results from a study of RFG in Milwaukee, Wisconsin, did not indicate any association between use of RFG and reports of adverse health effects. The hearing also outlined the substantial air pollution control benefits associated with RFG usage. In its prepared testimony, EPA estimated that between 1995 and 1999, RFG will result in a 15 percent reduction in volatile organic compounds, considered to be precursors to the formation of ozone in the lower atmosphere.

## IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

### (Title III—Hazardous Air Pollutants)

The Subcommittee on Oversight and Investigations held 2 days of hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990, focusing on the regulation of Hazardous Air Pollutants (HAPs) under Title III. Title III of the Clean Air Act Amendments of 1990 substantially rewrote and expanded existing law governing the regulation of HAPs by establishing a new standard based on "Maximum Achievable Control Technology" (MACT).

The first hearing was held on June 29, 1995. Testimony covered the structure and operation of Title III of the Clean Air Act Amendments of 1990 and the promulgation of MACT standards under Section 112(d) of the Clean Air Act. Witnesses at the hearing were the Assistant Administrator for Air and Radiation of the Environmental Protection Agency, representatives of affected industries, a citizen living near an oil refinery, academic experts on risk assessment and cost benefit analysis, and a representative of the United Steelworkers of America.

The hearing demonstrated that considerable regulatory uncertainty still pervades the implementation of certain portions of Title III. Concerns were raised during the hearing regarding the definition of a major source for purposes of Section 112, how EPA calculates the MACT floor for both new and existing sources, the prospect that different MACT standards may be applied to an affected source under different provisions of Section 112, and the prospect of applying different MACT standards to the same facility resulting in regulation on the basis of an entirely theoretical "superfacility."

On July 21, 1995, the Subcommittee continued its hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990, focusing on the regulation of Hazardous Air Pollutants (HAPs) under Title III and Sections 112(g), 112(j), and 112(r)

of the Clean Air Act. Section 112(g) concerns requirements applicable to a source which undergoes a modification, construction or reconstruction activity prior to the issuance of a Federal Maximum Achievable Control Technology (MACT) standard. Section 112(j) requires "case-by-case" MACT standards, implemented in each State, in the event EPA does not meet its statutory schedule for the promulgation of Section 112(d) standards. Section 112(r) established a Federal accidental release program for hazardous air pollutants. Witnesses included representatives from the Environmental Protection Agency, industry representatives, and a State official responsible for implementation of the Title III provisions. Testimony focused on the status of EPA regulations with respect to Section 112(g), the ability of a source to make changes to its operations without "triggering" Section 112(g), the overall purpose of the goals of Title III, and the present status of Section 112(r) regulations.

The July 21 hearing further examined problems in the implementation of Section 112, particularly with respect to Section 112(g). Witnesses at the hearing questioned the need for this statutory provision and the interrelationship between Section 112(d) and 112(g) and 112(j). Specifically, concern was expressed that differing MACT standards could be issued under Section 112(g) and 112(d) and that an affected source might need to comply with both standards. Concern was also expressed that Section 112(g) could inhibit certain innovations since changes in a method of operation could result in new emission standards being applied to a facility prior to the promulgation of a relevant Section 112(d) standard. In addition, the Subcommittee explored several detailed questions with EPA concerning its schedule for promulgating regulations under Sections 112(d) and 112(g), the Agency's view of public policies furthered by Section 112(g), and the costs associated with implementing Sections 112(d), 112(g) and 112(j).

In response to written inquiries from the Subcommittee on Oversight and Investigations, EPA indicated that it would adopt a "new approach" to Section 112(g) and publish a new draft proposal, with a final rule promulgated by the Spring of 1996. On March 18, 1996, EPA issued a draft final regulation on Section 112(g), limiting application of this section to the construction of new facilities and the reconstruction of major sources. The draft rule proposed to eliminate Section 112(g) requirements respecting modifications to existing facilities. On December 13, 1996, the EPA Administrator signed a final rule with respect to Section 112(g).

## IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

### (Title VI—Stratospheric Ozone Protection)

On August 1, 1995, the Subcommittee on Oversight and Investigations held a hearing on the implementation and enforcement of the Clean Air Act Amendments of 1990, focusing on Title VI. Title VI contains a schedule and a petition process to provide for the phase-out of certain substances thought to contribute to the destruction of ozone in the upper atmosphere as well as other measures to provide for the regulation of the production and use of such substances. Substances regulated under Title VI include

chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, carbon tetrachloride, methyl chloroform, and methyl bromide.

Witnesses at the hearing included representatives from the Environmental Protection Agency (EPA), the Department of State, the Department of Agriculture, and the White House Office of Science and Technology Policy. In addition, the Subcommittee heard testimony from an academic and ozone policy expert, agricultural users of methyl bromide, including an organic farmer, and the President of the Maritime Exchange for the Delaware River and Bay. Testimony centered on implementation of Title VI and the provisions of the Montreal Protocol (the international treaty regulating substances considered to possess an ozone depletion potential), the effect on U.S. agriculture and trade of a ban on methyl bromide, and upcoming meetings in Geneva, Switzerland regarding the Montreal Protocol.

The Subcommittee hearing explored several issues of concern with regard to the implementation of Title VI, including the state of scientific evidence underlying EPA regulatory efforts, the costs and benefits of such regulations, and the anticipated schedule for the phase-out of methyl bromide, an agricultural fumigant. With regard to methyl bromide, the Subcommittee specifically explored whether EPA had legal authority to grant essential use exemptions under Title VI and whether the phase-out schedule being implemented under Title VI was appropriate and in the competitive interest of American agriculture given the lack of international agreement on any phase-out schedule for the substance.

The August 1, 1995, hearing also prompted follow-up correspondence from the Subcommittee on Oversight and Investigations to EPA, the Department of State, and the Department of Agriculture concerning U.S. negotiating positions in the upcoming meetings of the Parties to the Montreal Protocol (the international agreement which controls the production and consumption of substances thought to deplete ozone in the upper atmosphere). The Subcommittee's hearing and subsequent correspondence explored whether legislative changes to the Clean Air Act were required to allow continued production and consumption of methyl bromide in the United States if no acceptable substitute could be discovered before its contemplated phase-out date, and what position the United States would take with respect to accelerated phase-out of other substances, specifically, hydrochlorofluorocarbons (HCFCs).

Additionally, the Subcommittee on Health and Environment held a hearing on January 25, 1996, which explored many of the same concerns raised in the Subcommittee on Oversight and Investigations' August 1, 1995, hearing in light of subsequent agreements made during the Seventh Meeting of the Parties to the Montreal Protocol in December 1995.

## IMPLEMENTATION AND ENFORCEMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990

### (Title I—Air Quality and Emission Limitations)

On November 9, 1995, the Subcommittee on Oversight and Investigations continued its hearings on the implementation and en-

forcement of the Clean Air Act Amendments of 1990 with a joint hearing with the Subcommittee on Health and Environment. This hearing focused on the setting of the form and level of the National Ambient Air Quality Standard for ozone contained in Title I of the Clean Air Act Amendments. In examining the level of the standard, the Subcommittee heard testimony about possible alternative levels of the standard. These alternative levels ranged from .07 ppm to .09 ppm averaged over an 8 hour period, as opposed to the present standard of .12 ppm averaged over a 1 hour period.

The Subcommittee also examined whether cost/benefit analysis should explicitly be part of the setting of the level of the standard. In addition, the Subcommittee heard testimony as to whether the form of the standard accurately reflects the concentration of ozone in a given nonattainment area. Testimony was received from the Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency (EPA), representatives of the States of Michigan and Texas, an economist, a medical expert, and a scientific expert.

All of the witnesses (including EPA) agreed that air quality throughout the United States is improving. One witness testified that peak ozone levels had decreased by 27 percent in California, and by 50 percent outside of California. Many of the witnesses questioned the "robustness" of the current standard, noting that if any one monitor exceeded the National Ambient Air Quality Standard (NAAQS) for more than 4 hours over a 3 year period the area was deemed in nonattainment. Thus, many felt the ozone NAAQS was skewed towards episodic events, such as episodes of hot stagnant air that contribute to ozone production. Many of the witnesses, except EPA, agreed that some sort of cost/benefit analysis would be helpful in determining an appropriate ozone NAAQS, because at present, no bright line could be drawn between the health effects present at various levels of the standard. Some witnesses believed that because of this, EPA was already de facto considering cost in developing a standard, although EPA denied such was the case.

ENVIRONMENTAL COMPLIANCE PROBLEMS FACING DRY CLEANERS

On September 13, 1996, the Subcommittee on Oversight and Investigation held a hearing on problems facing the dry-cleaning industry in complying with environmental laws. Specifically, the hearing focused on the costs to industry of cleanup efforts associated with the use of perchloroethylene (perc), the primary solvent used in the dry-cleaning process, pursuant to the cleanup standards and liability provisions imposed by the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) and existing State statutes. Most State cleanup statutes are substantially patterned after the Federal statute, and may even incorporate the Federal cleanup standards by reference.

The owners of four dry cleaners testified at the hearing, as well as a witness representing the International Council of Shopping Centers. All four dry cleaners testified that they were being held responsible for perchloroethylene contamination of soil surrounding the dry cleaning establishment. All four dry cleaners also maintained that they were not the cause of the contamination. Problems identified during the hearing included: (1) Superfund and com-

parable State liability policies that are not fault-based and, therefore, appear unfair; (2) inappropriate cleanup standards that are not risk-based (cleanup standards for perc are based on stringent Safe Drinking Water Act standards, even though the contamination may have no risk of contaminating drinking water); and (3) ineffective use of money (a large percentage of the costs borne by these dry cleaners in cleanup was not spent on cleanup but on legal fees).

The witness for the International Council of Shopping Centers generally agreed with the above concerns, but added that dry cleaners should not receive relief at the expense of the shopping center industry because shopping centers are held strictly liable even though they may have had no knowledge of the contamination caused by a current or previous tenant.

## INVESTIGATIVE ACTIVITIES

### *Freedom of Information Act (FOIA) and Privacy Act Policies and Practices*

On May 24, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request concerning the Environmental Protection Agency's (EPA's) practices and policies generally with respect to handling Freedom of Information Act (FOIA) requests, and more specifically, concerning the handling of a FOIA request submitted by an outside organization. The Subcommittee was concerned that an EPA official may have abused the FOIA process by: (1) giving preferential treatment in responding to this FOIA requestor before responding to other pending FOIA requests; and (2) pressuring a company to disclose, in response to this FOIA request, proprietary information. The EPA submitted a written response to the Subcommittee on June 18, 1996, and provided several boxes of documentation. The EPA denied any preferential treatment had been accorded the subject FOIA request and denied that the EPA employee had acted inappropriately in connection with the FOIA request.

On July 31, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to the Administrator of the Environmental Protection Agency (EPA) concerning a 1995 inquiry to EPA by Representative Tauzin concerning EPA's disclosure of certain confidential information to the Sierra Club Legal Defense Fund in response to the Sierra Club Freedom of Information Act (FOIA) request on August 15, 1994. Representative Tauzin had written to the EPA on May 9, 1995, to express his concerns about the apparent improper disclosure of certain law enforcement information regarding a wetlands enforcement case. On June 19, 1995, EPA sent a letter to Mr. Tauzin to respond to his concerns. The EPA conceded that "while [EPA's] existing policies address the general need to protect the integrity of enforcement investigations and cases, they do not squarely consider the private citizen privacy issues you have identified. Furthermore, EPA's review of the factual circumstances has highlighted deficiencies in FOIA and Privacy Act training at the Agency that we will move quickly to improve." The EPA further conceded that EPA's policies did not adequately protect the privacy interests of individuals and the Agency's letter

clearly indicated that the Agency took these matters seriously and would move quickly to address them.

On July 31, 1996, more than 1 year after the Agency's assurances, the Subcommittee Chairman wrote to the Agency to inquire about the progress of EPA's efforts to correct the FOIA and Privacy Act deficiencies acknowledged in the Agency's June 19, 1995 letter. The EPA provided written responses and documents, including a memorandum, dated August 15, 1996, entitled *Public Release of EPA Enforcement Information,* which is more than 1 full year after the date EPA assured Representative Tauzin that EPA would act promptly on this matter.

The Subcommittee will continue to monitor EPA's handling of FOIA requests and its treatment of privacy issues in the 105th Congress.

*American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)*

By letter, dated May 25, 1995, to the Administrator of the Environmental Protection Agency (EPA), the Subcommittee on Oversight and Investigations initiated an investigation into EPA's relationship with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), a private standards setting organization. The Subcommittee was concerned about: (1) EPA's funding of the revision of ASHRAE Standard 62, "Ventilation of Acceptable Indoor Air Quality," which would establish new standards for acceptable indoor air quality, and (2) EPA's decision to permit an EPA employee to be appointed as chairman of ASHRAE's Standard 62 Committee (SSPC-62). This arrangement appeared to give EPA an inappropriate amount of influence over the revision of a standard in an area for which EPA had no authority to regulate. In response to the Subcommittee's letter, the EPA Administrator requested the EPA Inspector General to investigate this matter.

The Subcommittee received a copy of the Inspector General's Report, dated August 14, 1996 (Audit Report No. E1FAI5-13-0075-6100228). The Inspector General's report confirmed many of the concerns the Subcommittee had with respect to EPA's relationship with ASHRAE. Specifically, the Report stated "Because EPA lacks authority to regulate indoor air, allowing the [EPA] employee to chair an ASHRAE committee that is responsible for revising standard 62 is inappropriate . . . We believe that EPA's involvement in SSPC-62 can be interpreted as an attempt to do indirectly that which it has no authority to do directly." The Inspector General's Report also stated that EPA "put the ASHRAE work in the [EPA] employee's position description, allowed him to spend up to 20 percent of his official duty time on SSPC-62, and has funded ASHRAE-related travel."

The Subcommittee will continue to monitor the EPA's decisions to enter into this type of relationship, EPA's approval of Agency personnel to participate in private groups, and EPA's involvement in areas for which it has no statutory authority to regulate.

*Hydrofluorocarbons*

On May 31, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to Mary Nichols, the Assist-

ant Administrator for Air and Radiation, Environmental Protection Agency (EPA) requesting information about a proposed EPA rulemaking that might restrict sale of hydrofluorocarbon (HFC) 134a to only certified technicians. The Subcommittee submitted a number of questions concerning the proposed replacement in motor vehicle air-conditioning systems of CFC-12 refrigerant with HFC-134a refrigerant, and the possibility that such retrofitting of automotive air-conditioning systems may result in refrigerant contamination. On July 22, 1996, Ms. Nichols' responded to the Subcommittee inquiry, stating that it would be premature for EPA to definitively address many of the issues the Subcommittee raised because EPA was still gathering information on which to base this rulemaking. However, Ms. Nichols assured the Subcommittee that when the time came for EPA to propose the rule, the Agency would request public comment on both the proposed requirements and the underlying technical and legal bases for them. EPA assured the Subcommittee that it would discuss fully all issues in the rulemaking.

*Tulalip*

On July 24, 1996, the Chairman of the Subcommittee on Oversight and Investigations initiated an inquiry and document request to the Environmental Protection Agency (EPA) with respect to the cleanup, under the Comprehensive Environmental Response, Compensation and Liability Act, of the Tulalip landfill site located on an island within the Tulalip Indian Reservation in Marysville, Washington. In particular, the Subcommittee requested information concerning the cleanup of this site and EPA's decision, in naming Potentially Responsible Parties (PRPs) that will share in the cleanup costs, to not name the Tulalip Tribe and/or the Tribe's corporate entity as PRPs, since the Tribe had an ownership interest in the site and specifically leased the site for dumping purposes. EPA has submitted several sets of documents in response to the Subcommittee's request. The Subcommittee intends to pursue this matter in the 105th Congress.

*National Violator Program/National Law Enforcement Screening Program*

In October 1996, the Subcommittee on Oversight and Investigations initiated an inquiry into the Environmental Protection Agency's (EPA's) National Violator Program, currently named the National Law Enforcement Screening Program, a law enforcement initiative intended to synthesize agency data to target companies that have the worst compliance records. The Subcommittee requested information about the development of the program, the nature and purpose of the program, and the maintenance of law enforcement information generated by the program. In response to the Subcommittee's inquiry, EPA officials briefed Committee staff on the program. The Subcommittee intends to monitor this program to ensure that EPA implements its enforcement responsibilities in a manner that is both effective and consistent with its statutory authority.

*Government Performance and Results Act (GPRA)*

In October 1996, the Subcommittee on Oversight and Investigations initiated a review of the Environmental Protection Agency's (EPA's) pilot project reports produced pursuant to the Government Performance and Results Act (GPRA) of 1993. The GPRA requires all Federal agencies to develop 5-year strategic plans, prepare annual performance plans that set out the agency's goals, and report annually on actual performance compared to these goals. GPRA enhances the ability of Congress to examine what works and what doesn't, by highlighting programs that are ineffective and redundant. The Subcommittee intends to work closely with EPA in the development of its GPRA plans and budgets.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEARINGS

#### WASTE, FRAUD, AND ABUSE IN THE MEDICARE PROGRAM

The Subcommittee on Oversight and Investigations held 2 days of joint hearings with the Subcommittee on Health and Environment on waste, fraud, and abuse in the Medicare Program. The first hearing was held on May 16, 1995. Witnesses on the first panel testified to the extent waste, fraud, and abuse are prevalent in the program and cited specific examples. The second panel included representatives from the Department of Health and Human Services Inspector General's Office, the General Accounting Office, and the Federal Bureau of Investigations. Each witness testified to the efforts being conducted to combat waste, fraud, and abuse, but also stated why the Medicare Program is so vulnerable to waste, fraud, and abuse.

The second hearing was held on July 19, 1995. The first witness had previously pled guilty to defrauding the Medicare Program. He testified to his particular crime, how he accomplished it, and how the system has numerous vulnerabilities that allow such fraud to occur. The second panel consisted of the Inspector General for the Department of Health and Human Services, and representatives from the General Accounting Offices. The Inspector General (IG) testified to specific examples of waste, fraud, and abuse and also explained how the Medicare Program could save money if the Health Care Financing Administration implemented the annual cost saving suggestions that the IG's office proposed. Representatives from the General Accounting Office testified to the Health Care Financing Administration's inherent vulnerabilities for combating fraud. Also, the results of an investigation of fraud by a specific company were reported. The Senior Advisor to the Administrator for Program Integrity, Health Care Financing Administration, sat on the last panel. The Senior Advisor testified to the efforts that the Health Care Financing Administration is undertaking to combat waste, fraud, and abuse in the Medicare Program.

As a result of Congressional concerns reflected in these and other hearings, provisions were included in both H.R. 2425, the Medicare Preservation Act of 1995, and H.R. 2491, the Balanced Budget Act of 1995, to combat waste, fraud, and abuse. These provisions are

intended to establish a comprehensive approach to the control of waste, fraud, and abuse in the health care arena. An account is established that dedicates funds generated from health care fraud fines and penalties to fund the investigation and prosecution of these matters. Sanctions available to be imposed against persons convicted of health care fraud are clarified and increased, as are civil monetary penalties available to prosecutors.

Additionally, amendments to the criminal code expand the reach of Federal authority to attack a broader range of fraudulent activity and specifically allow criminal forfeiture in heath care fraud cases. Federal law is also expanded to include the following health care crimes: false statements, obstruction of criminal investigations, theft, and money laundering. Administrative subpoena authority is expanded to allow the Attorney General greater flexibility in obtaining documents sought during the investigative process. The State health care fraud control units' authority is also expanded. Moreover, a beneficiary incentive system is established to increase the collection of information from beneficiaries concerning fraud and abuse being perpetrated. Procedures are established for the publication of safe harbors, special fraud alerts, and interpretive rulings. Individuals convicted of health care related felonies and substance abuse felonies are mandatorily excluded from participation in the Medicare and State health care programs. Permissive exclusion, as well as intermediate sanctions, are also expanded. Finally, the conversion of assets for the purpose of becoming eligible for health care benefits is made a felony.

For the legislative history of H.R. 2425 and H.R. 2491, see the discussions of the Medicare Preservation Act of 1995 (H.R. 2425) and the Balanced Budget Act of 1995 (H.R. 2491) in the Subcommittee on Health and Environment section of this report.

### PERSPECTIVES IN PHARMACEUTICAL PRICING PRACTICES

On September 19, 1996, the Subcommittee on Oversight and Investigations held a hearing that focused on the prices paid for pharmaceuticals by retail pharmacies versus large institutional buyers such as managed care organizations, hospitals and mail order pharmacies. Witnesses included representatives of the General Accounting Office, pharmacists, a managed care provider, and a representative of a small drug store chain.

Testimony was received regarding the pricing of pharmaceuticals and differential pricing reflecting volume discounts, ability to affect market share, and other possible factors. Existing remedies for potential improper pricing practices appeared to obviate the need for legislative action at this time.

## INVESTIGATIVE ACTIVITIES

### *Agency for Health Care Policy and Research (AHCPR)—Possible Conflict of Interest*

On May 15, 1995, the Subcommittee on Oversight and Investigations requested the Office of Inspector General of the Department of Health and Human Services (HHS) to conduct an inquiry concerning documentation that raised the possibility of an appearance, or even an actual, conflict of interest involving the relationship be-

tween the Agency for Health Care Policy and Research (AHCPR) and a private physician who was involved in one of the Agency's advisory panels. On July 20, 1995, HHS Inspector General June Gibbs Brown reported to the Chairman of the Subcommittee that the inquiry found no evidence to support conflict of interest charges against the subject physician. A few days later in July 1995, the Subcommittee requested and received documentation from the Office of Inspector General that the HHS IG said supported its finding.

*National Institutes of Health—Allegation of Abuse of Authority*

On June 29, 1995, the Subcommittee on Oversight and Investigations presented evidence to the Director of the National Institutes of Health (NIH) that an NIH official transmitted a communication via electronic mail to a representative of a non-renewed NIH grant recipient. In that letter, the NIH official stated that the representative, by seeking certain historical information about the funding practices of the relevant NIH office and Advisory Council, had engaged in "inappropriate" actions and that as a result, this NIH official would not permit the grant applications of the representative's institution to be reviewed by a specific study section for a period of 4 years. The Subcommittee's inquiry resulted in a letter of explanation from the Director of NIH to the Subcommittee Chairman and a written apology and confirmation of the rescinded action from the NIH official to the relevant parties.

*National Institutes of Health—Allegation of Scientific Misconduct*

On August 11, 1995, the Subcommittee on Oversight and Investigations received allegations of scientific misconduct concerning a senior official at the National Institutes of Health. The allegations principally concerned the publication of results that may not have represented the information available in the laboratory at the time of publication. After reviewing scientific articles and photographs that were produced in support of the allegations, the Committee staff concluded that the allegations, while technically accurate, did not meet the definition of scientific misconduct and did not conclusively show deception because the results were obvious to the reader and nothing would be gained from the misrepresentation.

*Office of Research Integrity*

On May 15, 1996, the Subcommittee on Oversight and Investigations requested information and documentation from the Department of Health and Human Services (HHS) Office of Research Integrity (ORI) about its activities. The ORI, among other things, (1) reviews completed "investigations" (as that term is defined at 42 CFR § 50.102) conducted by awardee institutions (*e.g.*, universities, biomedical research facilities) and may make findings after such a review, and (2) conducts investigations where the awardee institution is unwilling or unable to perform an investigation or where the target of the investigation is, for example, an NIH employee. In particular, the Subcommittee requested information about ORI's review of investigations conducted by awardee institutions, investigations conducted by ORI, certain matters initiated before January 1, 1992, certain miscellaneous matters, and ORI personnel.

*Health Care Financing Administration*

On June 6, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent four separate letters to the Administrator of the Health Care Financing Administration (HCFA), as a follow-up to the 1995 Subcommittee hearings on waste, fraud, and abuse in the Medicare Program and the health care industry. The first letter addressed fraudulent and abusive practices in home health agencies. The Subcommittee posed several questions with respect to what actions, if any, HCFA has taken in response to this growing problem.

The second letter requested information about HCFA task groups, which are responsible for reviewing the Medicare Program and proposing recommendations to prevent or eliminate waste, fraud, and abuse. Pursuant to its oversight responsibilities in the Medicare Program, the Subcommittee requested a number of documents relating to these task groups, and asked HCFA for a status report on task group recommendations.

The third letter inquired about potential cost-saving measures for general and administrative costs, and similar cost-saving measures for national policy reimbursement for prescriptions when administered through an external infusion pump. The Subcommittee is concerned that HCFA has not instituted these cost-saving measures despite recent projections that the Medicare Trust Fund will become insolvent in the year 2001. The letter posed several questions to HCFA regarding this matter.

The fourth and final letter of June 6, 1996, focused on the status of the Medicare Transaction System (MTS) and the use of over-the-counter software programs to save the Medicare Program money. The Subcommittee inquired about the time line for implementing these viable money-saving resources.

Responses to these letters were received in late July. In the 105th Congress, the Subcommittee intends to monitor HCFA, particularly in the area of waste, fraud, and abuse in home health care.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE FOOD AND DRUG ADMINISTRATION

### HEARINGS

#### A CONSUMER'S PERSPECTIVE ON MEDICAL DEVICES

On March 30, 1995, the Subcommittee on Oversight and Investigations began a series of hearings to examine the regulatory impact the Food and Drug Administration (FDA) has on the safety, health, and economic well-being of Americans and the adequacy of the governing statute, the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended. The first hearing focused on a consumer's perspective on medical devices, and dealt with conditions in the medical device market and how the regulatory process impacts patients, physicians, and the businesses that provide the technological advances on which all health and health care consumers depend. Testimony was received from a patient's father, the director of a nonprofit health research agency, physicians, and presidents of startup medical devices companies.

The March 30 hearing addressed the alleged connection between the FDA medical device regulatory system and delays in the availability of new products in the United States and the movement of U.S. medical device industry activities overseas.

### A CONSUMER'S PERSPECTIVE ON DRUGS AND BIOLOGICS

On May 25, 1995, the Subcommittee on Oversight and Investigations continued its hearings examining the regulatory impact of the Food and Drug Administration (FDA). The hearing focused on the nature and effect of the drug and biologic approval processes. In particular, the hearing examined both the length and cost of these approval processes. Industry surveys, company testimony, patient testimony, and FDA's views were presented.

The hearing addressed some apparent statistical improvements in FDA's review of new drug applications, but testimony also discussed concerns that some FDA regulatory practices were unnecessarily increasing the time and cost of the drug and biologic development process.

### EXAMINATION OF THE FOOD AND DRUG ADMINISTRATION'S DRUG AND BIOLOGICS REVIEW PROCESS

The Subcommittee on Oversight and Investigations held a hearing on June 19, 1995. to continue its review of the impact of the drug and biologic approval processes at the Food and Drug Administration (FDA) on the American consumer. Testimony from noted academics, a cancer survivor representing a patient group, and a biotech company were presented at the hearing.

Witnesses at the hearing addressed the time and cost of the drug and biologic development process in the U.S. and cited their concerns about an adverse impact on both patients and the drug and biologics industry. The hearing also identified particular FDA policies and practices that witnesses thought could be improved.

### FDA: ALLEGATIONS OF ABUSES OF AUTHORITY

On July 25, 1995, the Subcommittee on Oversight and Investigations held a hearing on allegations of Food and Drug Administration (FDA) abuses of authority. The hearing focused on FDA operations and procedures, and especially on allegations of abuses of power brought forward by witnesses on behalf of entities that are currently, or possibly, subject to FDA regulation. Patients who believed they benefited from the products of 3 of the 5 entities represented also testified at the hearing about the consumer impact from the alleged acts.

On November 15, 1995, the Subcommittee on Oversight and Investigations continued its hearings on allegations of FDA abuses of authority. The hearing focused on FDA's responses to the allegations presented at the July 25, 1995, hearing. David Kessler, M.D., Commissioner of Food and Drugs, and several senior FDA officials, presented testimony.

On December 5, 1995, the Subcommittee on Oversight and Investigations continued the hearing started on November 15, 1995, on allegations of FDA abuses of authority. The hearing again focused on FDA's responses to the allegations presented at the July 25,

1995, hearing. David Kessler, M.D., Commissioner of Food and Drugs, and several senior FDA officials, presented testimony.

The hearings focused on questions raised about the effectiveness, thoroughness, and fairness of FDA's current self-investigation system of industry complaints about alleged FDA employee misconduct.

### CANCER PATIENT ACCESS TO UNAPPROVED TREATMENTS

On February 29, 1996, the Subcommittee on Oversight and Investigations held a hearing on cancer patient access to unapproved treatments. The hearing focused on what alternatives, including possible FDA action, are available to cancer patients with life-threatening illnesses whose access to an unapproved treatment is interrupted or threatened as a result of Federal food and drug law investigations or prosecutions, where there is credible evidence of risk to the patient from cutoff of that treatment.

The Subcommittee received testimony from patients of Dr. Stanislaw Burzynski who faced the prospect of losing treatment as a result of a government-requested court order entered as a pretrial release condition of Dr. Burzynski in a pending prosecution. The Subcommittee also received testimony from patients who were using an experimental drug called LK-200 and have lost access to this treatment resulting from or as an effect from a pending Federal investigation of the drug firm that manufactured the drug. The hearing addressed whether FDA needed to develop and implement contingency measures in these situations.

### FDA INTEGRITY ISSUES RAISED BY THE VISX, INC. DOCUMENT DISCLOSURE

After sending letters to the Food and Drug Administration (FDA) in May and June of 1996, the Subcommittee on Oversight and Investigations held a July 31, 1996, hearing on FDA's handling of Premarket Approval Applications (PMA's) for laser surgery devices to correct vision problems, and examined FDA integrity issues raised by the Agency's handling of competing applications for laser devices to correct vision problems as well as the issue of FDA self-investigations. The competing applications were filed by Summit Technology, Inc. of Waltham, Massachusetts, and Visx of Santa Clara, California. The most serious issue reviewed in the hearing concerned allegations that an FDA employee or employees gave confidential, proprietary information of a pending premarket application to a competing company. Specifically, the Chairman of Summit Technology received in the mail, at his private residence, a package of internal FDA material relating to the premarket application of Visx, Inc.

The Subcommittee received testimony from two witnesses: Dr. Mark Stern, a former FDA reviewer who had serious concerns about the integrity and confidentiality of the FDA review process; and Mr. Mark Logan, Chairman and CEO of Visx, who was concerned that sensitive information from his company's pending Premarket Application was mailed to his competitor.

CONSUMER ACCESS TO HOME TESTING SERVICES AND DEVICES

On May 8, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request to the Food and Drug Administration (FDA) concerning statements brought to the Subcommittee Chairman's attention that suggested that FDA or high-level FDA officials may have adopted a policy against home drug testing because it could result in part in "coercion and family discord."

On May 30, 1996, the Subcommittee on Oversight and Investigation requested information from the FDA on matters relating to a premarket notification submission 510(k) sponsored by Biocontrol Technology Inc., on Diasensor 1000 non-invasive transcutaneous glucose monitor intended for the quantitative determination of blood glucose in diabetics. The Subcommittee was interested in how this submission that was filed with FDA in January 1994 and given expedited review in April 1995, was not only not approved but withdrawn. In addition, the Subcommittee was interested in why FDA used the Medical Devices Advisory Committee for a 510(k) submission and whether conflict of interest waivers were properly granted to some participants on the Advisory Panel.

On September 26, 1996, the Subcommittee on Oversight and Investigations held a hearing on Consumer Access to Home Testing Services and Devices to review FDA's policies with respect to both of the issues identified above. The Subcommittee received testimony from parents, children, and company representatives regarding the FDA's attempts to regulate home drug-testing services. These witnesses spoke in support of home drug-testing services and in opposition to the FDA's regulatory position. The Subcommittee also received testimony from Dr. Bruce Burlington, the FDA's Director of the Center for Devices and Radiological Health and other FDA officials. The FDA officials explained and defended FDA's regulatory actions with respect to both home drug-testing services and the Diasensor 1000 glucose monitor. The Subcommittee also received testimony from the President of Biocontrol Technology, a father and his diabetic son, and the Chairman of the FDA's Advisory Panel that reviewed the Diasensor 1000 glucose monitor. These witnesses provided their opinions about the FDA's actions regarding the Diasensor 1000 glucose monitor.

Following the hearing, the Full Committee Chairman, on September 27, 1996, sent letters to the President, the Secretary of Health and Human Services, and the Commissioner of the Food and Drug Administration with follow-up questions concerning the Administration's position with respect to home drug-testing. Responses were received on October 2 and October 3, 1996. The Full Committee Chairman sent follow-up letters on October 7 and 23, 1996. FDA responded on October 31, 1996.

## INVESTIGATIVE ACTIVITIES

### *Allocation of Resources and Medical Device Review Times*

The Subcommittee on Oversight and Investigations initiated a March 16, 1995, inquiry to determine the extent to which the Food and Drug Administration (FDA) is effectively implementing and enforcing the Federal Food, Drug, and Cosmetic Act (FFDCA) in con-

formance with the explicit requirements of the statute, and the intent of Congress in enacting the FFDCA as amended. In particular, the Subcommittee requested, and the FDA furnished, information on allocation of personnel and resources. In addition, the Subcommittee requested information on FDA's review of medical devices. This in turn generated a General Accounting Office (GAO) investigation at the request of the Subcommittee and resulted in the publication of the GAO Report, *Medical Devices: FDA Review Time,* in October 1995. Although the report did not find clear trends in review times, it confirmed substantial delays in the review process.

*Foreign Inspections*

In conjunction with concerns brought to the Subcommittee's attention by Representative Klug, the Subcommittee on Oversight and Investigations initiated an investigation and requested information and documents related to the Food and Drug Administration's (FDA's) foreign inspection program on May 4, 1995. Subsequent requests were made about specific foreign inspections.

On June 30, 1995, and September 6, 1995, the Subcommittee on Oversight and Investigations requested documentation and information from FDA related to past inspections and a 1995 reinspection of the HaiMen Pharmaceutical Factory located in a remote part of China.

On July 17, 1995, the Subcommittee on Oversight and Investigations requested information and documents from FDA relating to foreign inspections involving a Canadian drug manufacturing firm called Novopharm Ltd.

On October 20, 1995, the Subcommittee on Oversight and Investigations requested information and documents from FDA about foreign inspections involving a foreign drug manufacturing firm called Fisons.

On October 31, 1995, the Subcommittee on Oversight and Investigations requested additional information and documents from FDA related to foreign inspections involving a foreign drug manufacturing firm called Finorga.

On April 10, 1996, as part of the Subcommittee on Oversight and Investigations' investigation of FDA's foreign inspection program, the Subcommittee Chairman requested the General Accounting Office's (GAO's) assistance in obtaining additional information on foreign inspections in preparation for future hearings. In particular, GAO was asked to obtain and examine information about how FDA foreign inspections are conducted, managed, and supported.

*Proposed Downclassification—Pedicle Screws*

The Subcommittee on Oversight and Investigations initiated an inquiry and document request on May 8, 1995, concerning information surrounding the circumstances of the Food and Drug Administration's (FDA's) delay in publishing a pending regulatory proposal to downclassify bone screws for use in the pedicles of the spine during spine surgery. On July 17, 1995, the Subcommittee requested interviews with certain FDA employees involved in the proposed downclassification process. On August 17, 1995, the Subcommittee requested additional information and documentation. On October 3,

1995, Mr. Mitch Zeller of the FDA Deputy Commissioner's Office of Policy and Dr. Bruce Burlington, Director of FDA's Center for Devices and Radiological Health, briefed Committee staff on issues relating to the proposed downclassification rule. Based on new information from that briefing, the Subcommittee requested additional information and documentation.

The Subcommittee received testimony about FDA actions related to pedicle screws at the Subcommittee's hearings on November 15 and December 5, 1995. On March 30, 1996, the Subcommittee on Oversight and Investigations Majority staff issued a report to advise the Subcommittee of facts that the staff believed supported a conclusion that in his sworn testimony before the Subcommittee, Mr. Mitch Zeller of the FDA may have violated § 1621 of Title 18 of the United States Code regarding perjury. The Subcommittee Chairman referred this matter to the Justice Department for further investigation. On August 1, 1996, the Department of Justice notified the Subcommittee Chairman that there was insufficient evidence to support criminal charges.

*Office of Criminal Investigations*

On May 24, 1995, the Subcommittee on Oversight and Investigations requested documents and information from the Food and Drug Administration (FDA) pertaining to the Office of Criminal Investigations. On June 15, 1995, the Committee staff met with FDA officials about its inquiry into the Office of Criminal Investigations. Based on the review of documents provided and from information received at the briefing, the Subcommittee requested further information and documents.

*Integrity of FDA Enforcement Statistics: "Mock docs"*

On June 14, 1995, the Subcommittee on Oversight and Investigations initiated an investigation of the alleged "mock doc" procedure used by Food and Drug Administration employees over the past few years. "Mock docs" refer to a procedure for inflating import activity numbers and generating enforcement statistics that will be used as a basis for allocation of field resources. On July 13, 1995, FDA responded to the information and document requests.

*Allegations of FDA Abuses of Authority: Inventive Products, Inc.*

On June 30, 1995, the Subcommittee on Oversight and Investigations requested materials and employee interviews from the Food and Drug Administration (FDA) related to allegations of FDA abuses of authority in matters involving the Sensor Pad and Inventive Products, Inc. These allegations were presented by an official of Inventive Products at the Subcommittee's July 25, 1995, hearing. FDA presented its response to the allegations at the November 15, 1995, and December 5, 1995, hearings as well as in FDA employee interviews.

*Bioequivalence of Generic Megestrol Acetate Tablets*

On June 30, 1995, the Subcommittee on Oversight and Investigations requested information and documents about the Food and Drug Administration's (FDA's) handling of a matter involving the bioequivalence of generic megestrol acetate tablets from one manu-

facturer as compared to the pioneer drug, Megace. Megace is an anticancer agent approved for use in treating advanced cancer of the breast or uterus. The Subcommittee was interested in why there had been a lack of FDA action without any explanation in the nearly 3 years that had elapsed since the FDA was made aware of the bioequivalence issue. On September 12, 1995, the Subcommittee submitted follow-up questions resulting from its review of materials submitted by FDA. On January 4, 1996, FDA informed the Subcommittee that FDA concluded that the pioneer manufacturer "failed to provide adequate scientific evidence that the [generic manufacturer] product is not bioequivalent to the [pioneer manufacturer] product. The FDA also stated: "We agree that this particular issue should have been resolved more expeditiously."

*Potential Conflicts of Interest*

On July 12, 1995, the Subcommittee on Oversight and Investigations requested information and materials from the Food and Drug Administration (FDA) related to potential conflicts of interest, or the appearance of conflicts of interest, on the parts of a current FDA official and two former FDA employees. Follow-up requests for additional information were made with respect to the current FDA official on August 3, 1995.

*Etoposide*

On July 17, 1995, the Subcommittee on Oversight and Investigations initiated an inquiry into reports of deaths at a cancer clinic from an abstract that suggested a possible connection between an increase of deaths and the clinic's switch from the pioneer version to the generic version of etoposide, an injectable cancer drug used for treating lung cancer and testicular tumors. In particular, the Subcommittee received and reviewed information and documentation related to the manufacturers, adverse reaction reports, and other materials. On September 28, 1995, the Subcommittee requested additional information and materials.

*Color Lakes*

On July 31, 1995, the Subcommittee on Oversight and Investigations initiated an inquiry about the Food and Drug Administration's (FDA's) delay in providing rules for permanent listing of color lakes that have been under consideration by FDA since 1965. Color lakes are color additives used in foods, drugs, and cosmetics that FDA has acknowledged as serving a necessary public health function because "it permits drugs of identical size and shape to be distinguished." In particular, the Subcommittee requested that FDA provide an expected date of the rule's publication in the *Federal Register* and that the FDA's General Counsel provide an explanation for the delay in publication of the rule. Committee staff was informed by FDA staff that the rule would be published in the *Federal Register* in late January or early February 1996. On February 4, 1996, the FDA published the rule in the *Federal Register*.

*Credibility of a Former FDA Official*

On August 4, 1995, the Subcommittee on Oversight and Investigations requested information about a former high-level Food and

Drug Administration official, in order for the Subcommittee to evaluate the official's credibility and the information he provided.

*Commissioner's Contingency Fund*

On August 21, 1995, the Subcommittee on Oversight and Investigations requested information and documentation from the Food and Drug Administration concerning the use of the Commissioner's contingency fund.

*Allegations of FDA Abuses of Authority*

On August 23, 1995, the Subcommittee on Oversight and Investigations requested information, documentation, and Food and Drug Administration (FDA) employee interviews with respect to testimony received at the July 25, 1995, Subcommittee on Oversight and Investigations hearing on allegations of FDA abuses of authority and other issues with respect to the following: Myo-Tronics, Inc.; Biomet, Inc.; Dr. Watkins and Dr. Michelson; and RS Medical.

*Allegations of FDA Abuses of Authority: Dr. Stanislaw Burzynski*

On August 23, 1995, the Subcommittee on Oversight and Investigations also requested information and documentation from FDA and the Department of Health and Human Services related to allegations of FDA abuses of authority involving Dr. Stanislaw Burzynski and the Burzynski Research Institute.

*Department of Justice—Conduct of U.S. Attorney's Office in FDA-Related Probe*

On September 7, 1995, the Subcommittee Chairman requested Attorney General Janet Reno to initiate an internal Department of Justice investigation into allegations of prosecutorial abuse related to the Food and Drug Administration and grand jury investigations of Dr. Stanislaw Burzynski and the Burzynski Research Institute. This request was a follow-up to information and documentation stemming from testimony received at the July 25, 1995, hearing. In a September 28, 1995, letter to the Subcommittee Chairman, the Assistant Attorney General for Legislative Affairs confirmed that the Department's Office of Professional Responsibility had initiated an inquiry. This inquiry is still ongoing.

*Caffeine Regulatory Initiative*

On September 21, 1995, the Subcommittee on Oversight and Investigations requested information on the nature and status of a caffeine regulatory initiative underway in the Food and Drug Administration's Center for Food Safety and Applied Nutrition. FDA provided information and documents in October 1995.

*FDA Management*

On October 23, 1995, the Subcommittee on Oversight and Investigations requested records related to the Food and Drug Administration's management practices. FDA provided information and documents in November 1995.

*Food Imports*

On December 19, 1995, the Subcommittee on Oversight and Investigations requested information about the Food and Drug Administration's regulatory standards for determining whether food imports contain objectionable amounts of filth, or have been held under unsanitary conditions, within the meaning of Sections 402 and 801 of the Federal Food, Drug, and Cosmetic Act. FDA provided information and documents in January 1996.

*Possible FDA Retaliation*

On January 23, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to the Food and Drug Administration (FDA) concerning a November 17, 1995, letter from the Director of the FDA Office of Human Resources and Management Services, to a former FDA employee. In the second paragraph of the November 17 letter, the Director wrote: "Nor am I in a position to comment on any decision you might make to contact the press regarding your past employment with the Food and Drug Administration except to say that this Agency will reserve the right to correct any misinformation or incorrect information by releasing documents that reflect accurate information to the appropriate media." The Subcommittee Chairman was concerned that the statement appeared to threaten the discharged employee with release of documents that, given the dispute, could only refer to personnel records or investigative reports relating to such records. The FDA conducted an investigation and reported its findings to the Subcommittee on November 12, 1996.

*FDA Disclosure of Confidential Information to Short Sellers*

On January 30, 1996, the Subcommittee on Oversight and Investigations initiated an investigation into whether Food and Drug Administration employees made unauthorized disclosures of confidential inside information to stock brokers and a financial correspondent in furtherance of insider trading or market manipulation. The Subcommittee will continue this investigation in the 105th Congress.

*FDA Commissioner Travel Practices*

On February 8, 1996, the Subcommittee on Oversight and Investigations requested that the United States General Accounting Office examine the travel practices of Food and Drug Administration Commissioner David Kessler from January 1, 1991 to the present.

*Halcion*

On February 16, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request concerning the Food and Drug Administration's (FDA's) actions pertaining to a drug called Halcion, and the actions of the Halcion Task Force. On March 20, 1996, Deputy Commissioner Sharon Smith Holston responded to that letter, stating that the FDA was unable to provide the requested documents because the Task Force's deliberative documents are inextricably linked to the Task Force's investigation, but that the FDA would brief Committee staff in lieu of providing the documents. On May 2, 1996, the FDA staff briefed Committee

staff. On May 14, 1996, the Subcommittee Chairman sent a letter to the Secretary of Health and Human Services citing serious concerns about Halcion and the FDA's actions with respect to Halcion and reiterating his February 16, 1996 request for documents concerning this matter. The Subcommittee Chairman further asked that all requested material be provided by May 31, 1996, in order to avoid resorting to compulsory process. On May 31, 1996, the FDA provided documents as well as the Halcion Task Force Report.

*Kidney Dialysis Regulation*

On February 21, 1996, the Subcommittee on Oversight and Investigations initiated an investigation into the responsiveness of Federal agencies to alleged abuses in the kidney dialysis industry which were detailed on the front page of the New York Times for 3 consecutive days, commencing December 4, 1995. These articles described a series of problems centering around the kidney dialysis industry. In particular, the articles focused on National Medical Care, Inc., a subsidiary of the W.R. Grace Company, indicating that several inquiries and investigations were under way involving the U.S. Attorney in Boston, the Department of Justice, and the Food and Drug Administration (FDA). The Subcommittee requested certain information and documentation from the FDA about its inspections and audits of dialysis companies. FDA responded with information and documents on April 19, 1996.

*Delinquent Rulemaking*

During the Spring of 1996, the Subcommittee Chairman sent a series of letters to the Food and Drug Administration (FDA) concerning delayed rulemakings in the following areas: (1) clinical investigator conflict-of-interest; (2) medical foods; (3) exports; (4) small business exemption for the Nutrition Labeling and Education Act (NLEA); (5) dental amalgam ingredient labeling; (6) adverse reaction reports on drugs and biologics; (7) hazard analysis critical control points (HACCP) regulations; and (8) blood safety. For each of the delayed rulemakings, the Subcommittee requested from FDA the following: a report on the reasons for the delays in initiating this rulemaking, as well as the reasons for FDA's apparent determination to postpone initiation of this rulemaking indefinitely; FDA's plans for completion of this rulemaking as well as an estimate of the Agency resources, by year, that will be dedicated to the development and implementation of the rulemaking; and an explanation of how public health concerns associated with this rulemaking are being addressed pending completion of this rulemaking. Over the course of the Spring and Summer of 1996, FDA responded to these letters.

*FDA Regulation of Drug Advertising*

On April 12, 1996, the Subcommittee on Oversight and Investigations, in examining the Food and Drug Administration's Division of Drug Marketing and Advertising (DDMAC), Center for Drug Evaluation and Research enforcement strategy on prescription drug information, requested copies of 163 Notice of Violation letters issued during Fiscal Year 1995. On May 10, 1996, FDA provided these letters.

*Use of Civil Money Penalties*

On April 17, 1996, the Subcommittee on Oversight and Investigations requested information relating to concerns that the Food and Drug Administration may have been unfairly using its authority to impose civil money penalties against medical device manufacturers under the Safe Medical Devices Act of 1990 (SMDA). On June 7, 1996, FDA responded.

*Universal Technology Systems*

On May 22, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request concerning whether Food and Drug Administration (FDA) field offices are acting in compliance with the Federal Food Drug and Cosmetic Act and Federal regulations. In particular, the Subcommittee requested information and documents about a matter related to the FDA's Orlando, Florida, field office enforcement actions in connection with Universal Technology Systems, Inc. The FDA responded in June 1996.

*RU-486*

On May 23, 1996, the Subcommittee on Oversight and Investigations began an investigation of the Food and Drug Administration's (FDA's) handling of data integrity issues related to clinical trials of RU-486 and requested certain materials. On July 11, 1996, and September 17, 1996, the Subcommittee Chairman sent a letter to FDA requesting follow-up information relating to the integrity of the clinical trials and ethical questions connected to the approval process.

*Freedom of Information Act Requests*

On June 6, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request concerning the Food and Drug Administration's (FDA's) practices and policies generally with respect to Freedom of Information Act ("FOIA") requests, and more specifically, to questions raised by evidence suggesting that the FDA may be giving preferential treatment to certain FOIA requestors in connection with pedicle screws.

*Disclosure of Confidential Information*

On June 12, 1996, the Subcommittee on Oversight and Investigations requested information from the Food and Drug Administration (FDA) concerning allegations received from a firm, with a pending Investigational New Drug (IND) application before FDA, about improper disclosures of confidential information. The firm had filed complaints on some of these allegations with the FDA for investigation. FDA responded in August 1996.

*FDA's Office of Internal Affairs*

On June 14, 1996, the Subcommittee on Oversight and Investigations, as part of its effort to investigate the effectiveness of the Food and Drug Administration's (FDA's) internal investigations, requested information and documentation on investigations conducted by the Office of Internal Affairs (OIA), activities in support of the Office of Inspector General's investigations conducted by

OIA, special assignments conducted by OIA, certain matters initiated prior to January 1, 1995, and certain miscellaneous matters. FDA responded on July 12, 1996.

*Misbranding Case*

On June 20, 1996, the Subcommittee on Oversight and Investigations began an investigation of the Food and Drug Administration's (FDA's) action and responsiveness with respect to misbranding of food imports. In particular, the Subcommittee was concerned about what appeared to be inaction by FDA to enforce against misbranding of an imported food ingredient to the commercial detriment of a domestic distributor of the legitimate ingredient. The Subcommittee requested a report explaining FDA's handling of the matter. On October 17, 1996, FDA responded with its written report.

*Conjugated Estrogens*

On July 11, 1996, the Subcommittee on Oversight and Investigations requested that the Department of Health and Human Services Office of Inspector General conduct a thorough investigation of the Food and Drug Administration's handling of issues related to conjugated estrogens and provide the Subcommittee with a complete report.

*FDA Employee Involvement with Outside Publication*

On October 25, 1996, the Subcommittee Chairman sent an inquiry to the Food and Drug Administration based on information that raised ethical questions about whether the publication and marketing of the Medical Devices Guidebook (and possibly the videotapes) involved a misuse of public office for private gain of either an FDA employee or an outside party.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF ENERGY

### HEARINGS

#### DEPARTMENT OF ENERGY: TRAVEL EXPENDITURES AND RELATED ISSUES

On November 17, 1995, the Subcommittee on Oversight and Investigations held a joint hearing with the Subcommittee on Energy and Power on an allegedly inappropriate use of Federal funds by the Department of Energy (DOE). The hearing focused on a DOE contract with a public affairs firm to rate the favorability and unfavorability of opinions of journalists and others toward the Department (so-called "media content analysis") and how these ratings were used by DOE. Additionally, the hearing encompassed allegations of inappropriate use of Federal funds by DOE in other areas, such as public relations and foreign travel by the Secretary. The sole witness was Secretary of Energy Hazel O'Leary.

As a result of the allegations set forth at this hearing, the Subcommittee held a series of five hearings in 1996 examining the Department of Energy's travel expenditures and related issues. These hearings were held on January 4, 1996; March 8, 1996; April 24, 1996; June 12, 1996; and June 13, 1996.

*January 4, 1996*

On January 4, 1996, the Subcommittee on Oversight and Investigations held a hearing to examine issues surrounding foreign travel by Secretary of Energy O'Leary. The witness at the hearing was Mr. Victor Rezendes, Director—Energy, Resources, and Science Issues, U.S. General Accounting Office (GAO). The hearing focused on 2 of the 16 foreign trips taken by the Secretary, which were the subject of a GAO Report on December 28, 1995, entitled *Energy Management: Unsubstantiated DOE Travel Payments.* The trips in question were foreign trade missions to India and South Africa in July 1994 and August 1995, respectively.

The GAO testimony focused on a number of issues. First, the level of undocumented spending by the Department came under scrutiny. Significant costs were authorized by DOE, incurred by the U.S. Embassy, and reimbursed by DOE without records, receipts, or vouchers (which were with the State Department but not seen by DOE). GAO concluded that DOE itself did not maintain sufficient documentation to provide a reasonable assurance as to the accuracy and propriety of the charges. This was consistent with prior DOE practice, but DOE had never undertaken foreign trips of this magnitude and cost before. After examining the documents, the DOE protested $117,000.

Second, the GAO discussed the high cost of aircraft acquisition—which accounted for most of the total cost of the DOE trade missions. The GAO testified about administrative problems in how these services were acquired, noting that the administrative processes traditionally used by DOE were inadequate to handle the trade missions.

Third, the GAO testimony revealed a dispute over DOE reprogramming of defense funds to support foreign travel. GAO testified that DOE reprogrammed $400,000 from the defense-related appropriations account to pay expenses associated with foreign trade missions. According to GAO, this action ignored a long-standing principle of appropriations accounting. Congress then included specific language in the conference report (H. Rpt. 104-293) on H.R. 1905, the Energy and Water Development Appropriations Act, 1996, to assure DOE compliance with this long-standing principle.

Fourth, the hearing addressed the delays by DOE in seeking reimbursement of travel costs for persons who are not government employees. GAO noted the inadequacies in DOE's handling of reimbursement issues.

*March 8, 1996*

On March 8, 1996, the Subcommittee on Oversight and Investigations held its second hearing on the Department of Energy's travel expenditures and related issues. The sole witness was Mr. John C. Layton, Inspector General for the Department of Energy. The hearing focused on the implementation of the Inspector General's recommendations to establish adequate controls over the acquisition and financing of air services used by the Department for international travel. The hearing also outlined the increased travel costs, the bulk of which stemmed from the cost of aircraft, associated with the trade missions.

In 1994, the Office of Inspector General had reviewed trade missions to India and Pakistan. Recommendations had included formal procedures for the acquisition of international air services, full cost recovery for non-Federal employees, and tightening of collection of such fares. Mr. Layton had advised the Deputy Secretary and the Secretary in December, 1994 that "the Department should ensure that all of its processes and procedures covering international travel have been addressed before any additional trips are contemplated." But the Inspector General testified that, as of the hearing, only one of the four recommendations had been addressed adequately.

In response to this hearing, the Subcommittee received a March 13, 1996, letter from Secretary O'Leary expressing her concern that all the reforms identified by the Inspector General had not been implemented. In addition, the Secretary promised not to go on any more trade missions until the Inspector General and the GAO agreed that DOE had implemented reforms concerning the acquisition of aircraft for trade missions. DOE formally implemented new procedures on July 31, 1996.

*April 24, 1996*

The Subcommittee on Oversight and Investigations continued its hearings on the Department of Energy's travel expenditures and related issues on April 24, 1996. Witnesses at the hearing included: Ms. JayEtta Hecker, Associate Director, International Relations and Trade Issues, General Accounting Office; Mr. Dirk Forrister, Assistant Secretary for Congressional, Public, and Intergovernmental Affairs, Department of Energy; and Mr. Steven Lee, Economist, Office of Energy Exports, Department of Energy. This hearing focused on DOE's claims about the benefits of the trade missions, including the value of contracts signed on the missions and the extent to which the trade missions contributed to those and other business agreements. The Subcommittee also examined whether the missions were pursued in a cost-effective manner.

The GAO testimony focused on several points: (1) DOE's authority and role in conducting trade missions; (2) the difficulties inherent in trying to quantify the value of trade missions, including a review of DOE's reports of the results of the four trade missions; and (3) DOE management weaknesses with respect to those missions. GAO said that the Department had statutory authority to conduct such missions. GAO also said that it was not possible to link any particular deal signed on the missions to the missions themselves, and that estimating the benefits of such deals was extremely difficult. Finally, GAO pointed out that the potential value of the emerging energy market could be substantial.

The Departmental witnesses acknowledged that DOE had a steep learning curve with respect to these new missions, and that the Department had relied on initial estimates from corporate representatives in stating the value of deals signed during the missions. But they also said that the missions were important in helping American firms compete for energy infrastructure business in "big emerging markets," particularly given the governmental trade missions undertaken by foreign countries.

Subsequent to this hearing, DOE promised to change the way it reported on the claimed benefits from trade missions.

*June 12, 1996*

On June 12, 1996, the Subcommittee continued its hearings on the Department of Energy's travel expenditures and related issues. Eight witnesses, representing corporations which participated in one or more of the four international trade missions, testified at the request of the Minority. In general, the witnesses testified that the missions were helpful in moving forward stalled contracts, in otherwise accelerating the timetable for the contracts, in matchmaking between potential exporters and international clients, and in helping overcome political barriers that were associated with substantial foreign governmental involvement in the energy sector. They also expressed appreciation for the hard work done by DOE in connection with these missions and denied that the trips were junkets.

*June 13, 1996*

On June 13, 1996, the Subcommittee held its final hearing in the 104th Congress on DOE's travel expenditures and related issues. Secretary Hazel O'Leary testified, accompanied by Mr. Eric J. Fygi, Deputy General Counsel, and Mr. Donald W. Pearlman, Acting Chief Financial Officer. Secretary O'Leary testified on a wide range of issues related to her foreign travel, with particular attention to the four trade missions to promote U.S. exports. Issues included the cost of the missions, the administrative problems in handling of financial aspects of the missions, the inadequate administration of invitational travel, whether laws and regulations were adhered to, and whether some of the Department's statements regarding the economic benefits of the missions were correct.

The Secretary accepted full responsibility for DOE's management problems in conducting the trade missions and made a commitment to fix them. She noted that she had already initiated several actions to fix these problems, including asking the Inspector General to conduct a comprehensive review of her international travel and related management procedures and processes, and asking the GAO for assistance as well. She also noted her commitment not to take additional trade missions until reforms were put in place, said that substantial progress had been made, and committed to complete action on the 29 recommendations made by the Inspector General's draft report on her international travel. The Secretary acknowledged the difficulty in quantifying the economic benefits of the missions, and said that she regretted any perception that DOE's efforts were the sole factor that caused any business agreement signed in connection with the missions.

DEPARTMENT OF ENERGY: FURLOUGHS AND FINANCIAL MANAGEMENT

On March 27, 1996, the Subcommittee on Oversight and Investigations held a hearing on furloughs and financial management at the Department of Energy (DOE). The hearing dealt with the decision to furlough DOE Departmental Administration employees across-the-board, which merely delays decisions that must be made to realign DOE's structure in the post-Cold War environment.

Focus was also directed at measures to avoid the furlough, such as conserving funds used for leadership training and international travel, that were not taken. The Subcommittee heard testimony from DOE's Chief Financial Officer, furloughed employees, and non-furloughed union leaders.

As a result of the testimony received at the hearing, the Subcommittee Chairman sent a letter on April 23, 1996, to the Chairman of the Committee on Appropriations Subcommittee on Energy and Water Development asking that the Secretary of Energy be given permission to reprogram funds from within the Departmental Administration account and DOE travel funds so that civil servant employees need not be furloughed.

### FEDERAL GOVERNMENT'S ROLE IN PROMOTING NATURAL GAS VEHICLES

On May 30, 1996, the Subcommittee on Oversight and Investigations held a hearing on what the role of the Federal government should be in promoting natural gas vehicles. The Subcommittee was joined by members of the Speaker's Natural Gas Vehicle Task Force. Testimony was received from representatives of the Department of Energy and from various businesses which either voluntarily use natural gas vehicles or use them to fulfill fleet mandates contained in the Clean Air Act and the Energy Policy Act. Testimony was received from representatives testifying on behalf of the American Automotive Leasing Association, the United Parcel Service, Cummins Engine Company, Inc., Equitable Resources, Inc., and Jack B. Kelly, Inc. All of the witnesses agreed that incentives were appropriate in encouraging the use of natural gas vehicles, although some thought that incentives should replace the mandates that are currently in the Clean Air Act and Energy Policy Act. Written comments supplied by the Natural Gas Supply Association questioned the need for any incentives. There was general agreement that the tax treatment on liquid natural gas and compressed natural gas should be equalized (currently, liquid natural gas is taxed at a higher rate as compared to compressed natural gas). There was also testimony about how to better encourage the use of natural gas in the nation's bus fleet.

As a result of the testimony presented at this hearing, H.R. 4288, the Natural Gas Vehicle Incentives Act of 1996, was introduced in the House on September 28, 1996, by Representatives Barton, Bilbray, Bono, Combest, Gingrich, McCrery, Regula, Tauzin, Thornberry, and Wise. The bill was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on National Security, and the Committee on Government Reform and Oversight. H.R. 4288 contains a combination of new legislative incentives and refinements to existing laws which, together, will create market conditions that will stimulate the use of liquefied natural gas (LNG) and compressed natural gas (CNG). It is anticipated that the legislation will be reintroduced in the 105th Congress and form the basis for legislative action in the appropriate committees of jurisdiction.

## INVESTIGATIVE ACTIVITIES

### *Hanford*

On February 8, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request concerning the activities of the Department of Energy's (DOE's) Office of Environmental Management with respect to the Tank Waste Remediation System (TWRS) program at the Hanford Nuclear Reservation. The Subcommittee was interested in learning whether DOE is adequately managing and safely maintaining the storage and ultimate disposal of radioactive wastes in 177 underground tanks. The Subcommittee subsequently requested additional information and documentation on March 4 and July 17, 1996. DOE responded to the Subcommittee's inquiry by letters dated July 23, 1996, and August 8, 1996.

Due to the budgetary and public health significance of the approaches DOE is considering for long term management and disposal of the tank wastes, the Subcommittee Chairman, on March 28, 1996, requested that the General Accounting Office (GAO) investigate DOE's management experience and plans for privatization of tank waste cleanup. In a letter report, entitled *Hanford Waste Privatization* (GAO/RCED-96-213R), completed on August 2, 1996, GAO found that the DOE has mismanaged $628 million on three failed efforts to dispose of the tank wastes, and raised several questions about the feasibility of the Department's plan for privatization of tank waste cleanup. The Subcommittee on Oversight and Investigations will continue to pursue this matter in the 105th Congress.

### *Department of Energy Environmental Restoration Activities*

On May 1, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry into the Department of Energy's (DOE's) environmental restoration activities conducted by the Office of Environmental Management, based on findings of a National Research Council report published in 1995, entitled *Improving the Environment: An Evaluation of DOE's Environmental Management Program.* According to the report, DOE has significant management problems in properly utilizing its $6 billion budget allocated for environmental cleanup.

The Subcommittee intends to evaluate the Department's claim that environmental restoration activities have improved dramatically and have entered a phase where on-the-ground cleanup costs exceed assessment costs. DOE responded to the Subcommittee's May 1, 1996, inquiry, which, in turn, resulted in additional requests to DOE on July 17 and September 27, 1996, for detailed cost information for six DOE sites managed under the Comprehensive Environmental Compensation, Response, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), or the Atomic Energy Act (AEA). This investigation is ongoing and the Subcommittee anticipates further action on this matter in the 105th Congress.

*Yucca Mountain*

On May 1, 1996, the Subcommittee on Oversight and Investigations initiated an investigation into the Department of Energy's (DOE's) management of the proposed repository for high-level radioactive waste at Yucca Mountain, Nevada. On that date, the Subcommittee Chairman sent a letter to the Secretary of Energy concerning a General Accounting Office (GAO) report issued on March 20, 1996, entitled *Nuclear Waste: Nevada's Use of Nuclear Waste Grant Funds.* Because the GAO report indicated that many serious issues were still outstanding regarding the State of Nevada's misuse of DOE grant funds, the Subcommittee posed several questions to the Department regarding DOE's response, or lack thereof, to the problems identified in the GAO report. On July 25, 1996, DOE responded to the Subcommittee's inquiry, but was unable to answer all of the questions. The Subcommittee will continue to closely monitor, in the 105th Congress, DOE's stewardship of the Nuclear Waste Fund under the Nuclear Waste Policy Act, especially as it relates to the Yucca Mountain.

*Nuclear Weapons Production Facilities*

On June 4, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to Department of Defense Secretary Perry requesting, among other things, a copy of a letter sent by then-Deputy Defense Secretary John Deutch to Secretary O'Leary in May 1994 expressing concern that the Department of Energy was failing to maintain nuclear weapons production facilities. After a follow-up letter from the Subcommittee Chairman on July 30, 1996, and numerous phone calls were made insisting that the Department be responsive to the Subcommittee's document request, the letter was provided to the Subcommittee on October 28, 1996.

*Allegations of Improper Conduct by DOE Employees*

In October 1996, the Subcommittee on Oversight and Investigations received information relating to the possible use of Department of Energy (DOE) resources to influence the outcome of Federal elections, and allegations that Federal contractors were intimidated for their contributions to a conservative non-profit group.

On October 10, 1996, the Chairman of the Subcommittee sent a letter to Secretary of Energy O'Leary concerning pre-election appearances by the Secretary at a "Mid-Atlantic/Northeast regional public meeting," to which Republican Members of the New Jersey Congressional delegation in adjacent districts told the Subcommittee that they were not even notified of this event. The letter sought documents relating to the planning and funding for this event.

On October 29, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry and document request with respect to a DOE employee who was reported to be actively working for the campaign of the opponent of an incumbent Congressman, who was one of the Secretary's chief critics in Congress.

Also on October 29, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to Secretary of Energy O'Leary requesting that she respond to allegations printed in the *Wall Street Journal* that she told a donor to the Western Journal-

ism Center that "his company's government business would be in jeopardy if he continued to support" the foundation.

DOE responded to these letters and denied any wrong doing. The Subcommittee on Oversight and Investigations will continue to review these allegations in the 105th Congress to determine if any action is warranted.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO TELECOMMUNICATIONS ISSUES

### HEARINGS

#### COMPETITION IN THE CELLULAR TELEPHONE SERVICE INDUSTRY

On October 12, 1995, the Subcommittee on Oversight and Investigations held a hearing on competition in the cellular telephone service industry. The purpose of the hearing was to determine the extent of competition in the mobile voice services market, and whether any further action by Congress was necessary to encourage increased competition. This hearing included an examination of whether mandated and unbundled interconnection should be required as a method to spur competition. Finally, the Subcommittee received testimony as to why the wireless industry should receive disparate treatment from other sectors of the telecommunications industry as applied by proposed telecommunications reform legislation.

Testimony was received from representatives of the Federal Communications Commission, the Department of Justice, and the General Accounting Office, telecommunications experts, and representatives of several business associations.

Generally, these witnesses noted that the present wireless voice communications market was a duopoly, and that duopolies are not as competitive as a free and open market. Most of the witnesses agreed that prices for cellular service were higher than they would be if more competitors were participating in the market. However, a majority of the witnesses believed that the recent Personal Communications Systems (PCS) auctions, which would add as many as six new competitors in each market, would result in increased, perhaps robust competition, resulting in substantially lower prices. Therefore, a majority of the witnesses believed that no additional Congressional action was required to improve price competition at this time.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF COMMERCE

### INVESTIGATIVE ACTIVITIES

*Anti-Lobbying Act Inquiry to the Department of Commerce*

On September 29, 1995, the Subcommittee on Oversight and Investigations requested information and materials from the Department of Commerce related to possible violations of the Anti-Lobbying Act by employees of the Department of Commerce. On October 31, 1995, the Department responded. The Subcommittee will continue to monitor the activities of the Department in this area.

*American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)*

On May 22, 1996, the Subcommittee on Oversight and Investigations initiated an inquiry regarding the appropriateness of a Department of Commerce (DOC) official participating in a working committee of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), a private standard-setting organization, and specifically whether such participation was consistent with the Federal government's rules and policies concerning a government employee's participation in private organizations.

On June 7, 1996, the Department of Commerce responded to the Subcommittee inquiry, and provided an adequate explanation to support DOC's decision to continue to permit the DOC employee's participation in ASHRAE, including the statutory basis to justify this participation. The Subcommittee will continue to monitor the relationships of Federal employees with ASHRAE and other private organizations to ensure that such relationships are consistent with the Federal government's rules and policies relating to Federal employees' participation in outside groups.

## HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO TRADE ISSUES

### INVESTIGATIVE ACTIVITIES

*Canadian Government's Ban on Importation of U.S. Produced Commodity*

On May 15, 1996, the Chairman of the Subcommittee on Oversight and Investigations sent a letter to Charlene Barshefsky, Acting United States Trade Representative (USTR), concerning the USTR's intended course of action with respect to a bill introduced in the Canadian Parliament. The bill, "C-94," would appear to violate Canada's obligations under the World Trade Organization (WTO) and the North America Free Trade Agreement (NAFTA) by banning the importation of the fuel additive known as MMT. In North America, MMT is currently produced only in the United States and is imported into Canada. The Subcommittee was concerned that such a ban would have a substantial and direct impact on MMT export sales from the United States. USTR officials briefed the Subcommittee on the matter and sent a formal written response on June 25, 1996.

### HEARINGS HELD

*Implementation and Enforcement of Clean Air Act Amendments of 1990.*—Hearing on a General Overview of the Implementation and Enforcement of the Clean Air Act Amendments of 1990. Hearing held on February 9, 1995. PRINTED, Serial Number 104-5.

*Implementation and Enforcement of Clean Air Act Amendments of 1990.*—Hearing on the Employer Trip Reduction Program. Hearing held on March 16, 1995. PRINTED, Serial Number 104-5.

*Clean Air Act.*—Hearing on the Inspection and Maintenance Program. Hearing held on March 23, 1995. PRINTED, Serial Number 104-16.

*Clean Air Act.*—Hearing on the Inspection and Maintenance Program. Hearing held on March 24, 1995. PRINTED, Serial Number 104-16.

*A Consumer's Perspective on Medical Devices.*—Hearing on FDA's Regulatory Impact focusing on A Consumer's Perspective on Medical Devices. Hearing held on March 30, 1995. PRINTED, Serial Number 104-18.

*Waste, Fraud, and Abuse in the Medicare Program.*—Joint Oversight Hearing with the Subcommittee on Health and Environment on Waste, Fraud, and Abuse in the Medicare Program. Hearing held on May 16, 1995. PRINTED, Serial Number 104-21.

*Clean Air Act.*—Hearing on Title V, Permits. Hearing held on May 18, 1995. PRINTED, Serial Number 104-32.

*A Consumer's Perspective on Drugs and Biologics.*—Hearing on FDA's Regulatory Impact focusing on A Consumer's Perspective on Drugs and Biologics. Hearing held on May 25, 1995. PRINTED, Serial Number 104-23.

*Clean Air Act.*—Hearing on Title II, Reformulated Gasoline Program. Hearing held on June 7, 1995. PRINTED, Serial Number 104-25.

*Drug and Biologics Review.*—Hearing on FDA's Drug and Biologics Review Process. Hearing held on June 19, 1995. PRINTED, Serial Number 104-23.

*Clean Air Act.*—Hearing on Title III, Hazardous Air Pollutants. Hearing held on June 29, 1995. PRINTED, Serial Number 104-53.

*Waste, Fraud, and Abuse in the Medicare Program (Part 2).*—Joint Oversight Hearing with the Subcommittee on Health and Environment on Waste, Fraud, and Abuse in the Medicare Program. Hearing held on July 19, 1995. PRINTED, Serial Number 104-26.

*Clean Air Act.*—Hearing on Title III, Hazardous Air Pollutants. Hearing held on July 21, 1995. PRINTED, Serial Number 104-53.

*Allegations of FDA Abuses of Authority.*—Hearing on Allegations of FDA Abuses of Authority. Hearing held on July 25, 1995. PRINTED, Serial Number 104-51.

*Clean Air Act.*—Hearing on Title VI, Stratospheric Ozone Protection. Hearing held on August 1, 1995. PRINTED, Serial Number 104-52.

*Competition in the Cellular Telephone Service Industry.*—Hearing on Competition in the Cellular Telephone Service Industry. Hearing held on October 12, 1995. PRINTED, Serial Number 104-43.

*Clean Air Act.*—Joint Oversight Hearing with the Subcommittee on Health and Environment on Title I, Air Quality and Emission Limitations. Hearing held on November 9, 1995. PRINTED, Serial Number 104-55.

*Allegations of FDA Abuses of Authority.*—Hearing on Allegations of FDA Abuses of Authority. Hearing held on November 15, 1995. PRINTED, Serial Number 104-51.

*Department of Energy: Misuse of Federal Funds.*—Joint Oversight Hearing with the Subcommittee on Energy and Power on the Misuse of Federal Funds by the Department of Energy. Hearing held on November 17, 1995. PRINTED, Serial Number 104-56.

*Allegations of FDA Abuses of Authority.*—Hearing on Allegations of FDA Abuses of Authority. Hearing held on December 5, 1995. PRINTED, Serial Number 104-51.

*Department of Energy: Travel Expenditures and Related Issues.*—Hearing on Department of Energy: Travel Expenditures and Related Issues. Hearing held on January 4, 1996. PRINTED, Serial Number 104-73.

*Cancer Patient Access to Unapproved Treatments.*—Hearing on Cancer Patient Access to Unapproved Treatments. Hearing held on February 29, 1996. PRINTED, Serial Number 104-60.

*Department of Energy: Travel Expenditures and Related Issues.*—Hearing on Department of Energy: Travel Expenditures and Related Issues. Hearing held on March 8, 1996. PRINTED, Serial Number 104-73.

*Department of Energy: Furloughs and Financial Management.*—Hearing on Department of Energy: Furloughs and Financial Management. Hearing held on March 27, 1996. PRINTED, Serial Number 104-78.

*Department of Energy: Travel Expenditures and Related Issues (Part 2).*—Hearing on Department of Energy: Travel Expenditures and Related Issues. Hearing held on April 24, 1996. PRINTED, Serial Number 104-80.

*Federal Government's Role in Promoting Natural Gas Vehicles.*—Hearing on the Federal Government's Role in Promoting Natural Gas Vehicles. Hearing held on May 30, 1996. PRINTED, Serial Number 104-83.

*Department of Energy: Travel Expenditures and Related Issues (Part 3).*—Hearing on Department of Energy: Travel Expenditures and Related Issues. Hearing held on June 12, 1996. PRINTED, Serial Number 104-97.

*Department of Energy: Travel Expenditures and Related Issues (Part 3).*—Hearing on Department of Energy: Travel Expenditures and Related Issues. Hearing held on June 13, 1996. PRINTED, Serial Number 104-97.

*FDA Integrity Issues.*—Hearing on FDA Integrity Issues Raised by the Visx, Inc. Document Disclosure. Hearing held on July 31, 1996. PRINTED, Serial Number 104-93.

*Environmental Compliance Problems Facing Dry Cleaners.*—Hearing on Environmental Compliance Problems Facing Dry Cleaners. Hearing held on September 13, 1996. PRINTED, Serial Number 104-105.

*Perspectives on Pharmaceutical Pricing Practices.*—Hearing on Perspectives on Pharmaceutical Pricing Practices. Hearing held on September 19, 1996. PRINTED, Serial Number 104-113.

*Consumer Access to Home Testing Services and Devices.*—Hearing on Consumer Access to Home Testing Services and Devices. Hearing held on September 26, 1996. PRINTED, Serial Number 104-117.

## COMMITTEE ON COMMERCE OVERSIGHT PLAN FOR THE 104TH CONGRESS

Rule X, clause 2(d) of the Rules of the House of Representatives for the 104th Congress requires each standing Committee in the first session of a Congress to adopt an oversight plan for the 2-year period of the Congress and to submit the plan to the Committee on Government Reform and Oversight and the Committee on House Oversight.

Rule XI, clause 1(2)(d)(1) requires each Committee to submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that Committee under Rule X and Rule XI during the Congress ending on January 3 of such year. Clause 1(2)(d)(3) of Rule XI also requires that such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X; a summary of the actions taken and recommendations made with respect to each such plan; and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

Part A of this section contains the Committee on Commerce Oversight Plan for the 104th Congress which the Full Committee considered and adopted by a voice vote on February 22, 1995, a quorum being present.

Part B of this section contains a summary of the actions taken by the Committee on Commerce to implement the Oversight Plan for the 104th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

# PART A

## COMMITTEE ON COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

104TH CONGRESS

HON. THOMAS J. BLILEY, JR., CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the 2-year period of the Congress and to submit the plan to the Committees on Government Reform and Oversight and House Oversight not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Commerce for the 104th Congress. It includes the areas in which the Committee expects to conduct oversight during the 104th Congress, but does not preclude oversight or investigation of additional matters as the need arises. Indeed, the need to include other matters may well arise after a full examination of investigations pending at the end of the 103d Congress is completed.

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## ENERGY AND POWER ISSUES

### I. OVERSIGHT ACTIVITIES WITHIN THE COMMITTEE ON COMMERCE

#### NUCLEAR WASTE POLICY ACT OF 1982

Since 1982 the Department of Energy (DOE) collected approximately $8 billion from nuclear utilities in order to characterize and build a permanent high level nuclear waste repository. The Act mandates DOE to accept spent commercial reactor fuel beginning in 1998. As of today, DOE has spent approximately $4 billion of that money and is yet to accept the waste. Even so, DOE requests more money for this program. This Committee will evaluate the program, the reasons behind the delay in opening the facility, and methods to expedite placement of waste in the repository. (Summer 1995).

#### WASTE ISOLATION PILOT PLANT

Waste Isolation Pilot Plant (WIPP) is DOE's proposed permanent repository for transuranic waste (high level nuclear weapons waste from plutonium processing operations). Originally proposed to be opened by 1998, DOE's current timeline will not allow for an opening before 2000. Fully constructed and fully staffed, the plant is merely awaiting final testing before operations may begin. More than $1.8 billion has been spent on the facility but no nuclear waste has been transferred to the site yet. The Committee will ex-

plore the reasons behind the delay in opening the facility and methods to expedite placement of waste in the repository. (Spring 1995).

ENERGY POLICY ACT (EPACT)

*Electricity Provisions*

In 1992, EPAct began the process of enhancing competition in the electricity sector. Since then, some segments of the industry are of the opinion further reforms are necessary to make it completely competitive. This Committee will explore what is happening in the electricity industry, if EPAct is being implemented properly, and if further legislation is needed. (Fall 1995).

*Alternative Fuels Provisions*

The Clean Air Act and the Energy Policy Act (Acts) contain both private and public sector alternative fuel programs. Many questions have been raised about the implementation. Hearings will address the costs of the programs, the regulations being promulgated by the agencies to comply with the Acts, and other burdens the Acts place on the private sector. Also being addressed is how DOE chooses and ranks alternative fuels. (Summer 1995).

*Energy Efficiency Standards*

EPAct also directs DOE to set national energy efficiency standards for a variety of products. The appliance manufacturing industry requested one Federal standard for consistency throughout the 50 States. However, in implementing these provisions, DOE set standards which exclude certain types of products from the marketplace. For example, DOE's proposed standard for televisions would prevent the introduction of high definition television in the United States. This Committee will consider whether DOE interfered with the free operation of the market by setting overly-stringent appliance standards. (Summer 1995).

*Uranium Enrichment Corporation*

The Energy Policy Act of 1992 established the United States Enrichment Corporation (USEC) and authorized the transfer of DOE's uranium enrichment program to the new government corporation. DOE transferred to USEC assets worth $2.2 billion, including uranium inventories and equipment, and utilities contracts for the supply of uranium fuel for commercial reactors. USEC and DOE investigated the possibility of privatization of USEC. While no reason exists for government control of uranium fuel production, the low prevailing uranium world-wide prices make it difficult to find a buyer willing to pay USEC's "book" value. This Committee will examine USEC's salability. (February 1995).

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA/BEVILL WASTES)

EPA recently indicated it will regulate cement kiln dust as a hazardous material under RCRA despite the fact a recent EPA study determined the risk posed by cement kiln dust is small. The Committee will explore the propriety of EPA's proposed cement kiln dust regulations in light of its own findings. (Spring 1995).

FEDERAL FACILITIES COMPLIANCE ACT

DOE intends to reduce its budget by $10.6 billion over the next 5 years. Most of the savings are expected to come from DOE's environmental restoration budget. This Committee will review whether DOE can continue to meet legally binding cleanup obligations under its budget proposals. (Fall 1995).

PUBLIC UTILITY HOLDING COMPANY ACT/PUBLIC UTILITY REGULATORY POLICIES ACT (PUHCA/PURPA)

Since the enactment of the EPAct, certain segments of the electric utility industry argue PUHCA/PURPA are inconsistent with the new competitive environment in which utilities operate. This Committee will explore how best to enhance competition in the electricity sector so consumers can receive reliable service at the lowest possible rates. (Fall 1996).

PUBLIC UTILITY HOLDING COMPANY ACT (TELECOMMUNICATIONS REFORM)

The gas and electric utility industries recognize the telecommunications field as an area for future business investment. Utilities which are not registered holding companies under PUHCA freely invest in the communications sector with approval from their State public service commissions. PUHCA, however, prevents registered holding companies from making similar investments. This Committee will explore whether this ban on investment should be lifted and how lifting the ban would affect the utilities' traditional customers. (Fall 1995).

DOE FY '96 BUDGET

DOE released its budget on February 6, 1995. The approximately $18 billion annual budget includes significant spending cuts in the areas of renewable and fossil energy research and environmental cleanup. The Committee is most concerned about the Administration's proposal to amend the Federal Facilities Compliance Act to relieve it from some of its cleanup responsibilities at various sites across the country. This Committee will closely examine all aspects of DOE's budget to verify that it is complying with all applicable laws and spending the taxpayer money allotted to it in the most cost-effective manner. (Spring 1995).

GLOBAL CLIMATE CHANGE

The United States signed the Framework Convention on Climate Change (Rio Treaty) in Rio de Janeiro in June 1992. It was ratified by the Senate and entered into force on March 21, 1994. In the next 3 months, two significant international meetings on climate change will occur. At those meetings, the Administration is expected to seek a *Declaration* by the signatories of the treaty to begin negotiating the "next step," *i.e.*, greater commitments by developing countries. Currently, the Rio Treaty provides goals for Annex I countries (primarily developed countries) to return to their 1990 levels emissions of greenhouse gases by the year 2000. Through its voluntary Climate Change Action Plan, the United

States began the process of reducing greenhouse gas emissions. Developing countries have no corresponding aim to reduce their emissions of greenhouse gases. Historically, Congress generally opposed United States agreements to increased international commitments with respect to climate change on the basis that: (1) the Science does not yet warrant further steps; (2) Congress is uncertain whether the United States or other developed countries can meet existing commitments; and (3) the United States should not agree to further greenhouse gas reductions until some or all developing countries agree to begin stabilizing or reducing their own greenhouse gas emissions. This Committee will examine the Administration's policy to ensure that it does not agree to more than Congress believes appropriate. (March 1995).

STRATEGIC PETROLEUM RESERVE

The Administration intends to spend nearly $500 million in the next few years repairing and maintaining the Strategic Petroleum Reserve (SPR). This includes over $100 million to move oil from the Weeks Island, Louisiana, site and then close the site. None of the money will be used to buy new oil to store in SPR. This Committee will examine why maintenance and repair costs are so astronomical and determine whether all activities planned for the SPR are necessary. (Spring 1995).

OIL OVERCHARGES

DOE is still involved in a number of lawsuits arising from the Crude Oil Entitlements Program. That program was terminated more than a decade ago, yet DOE's attorneys continue to pursue alleged violations of the statute. This Committee will explore whether continuing the lawsuits is cost effective given the cost of litigation and what DOE actually expects to recover. (Summer 1996).

DEPARTMENT OF ENERGY ORGANIZATION

Over the past several years, there have been several proposals to abolish DOE. DOE also employs approximately 130,000 contractor employees and is prone to contractor abuse. This Committee will examine DOE's organization, mission, and relationship with its contractors. (Summer 1995).

THE ADMINISTRATION'S NATIONAL ENERGY POLICY PLAN

Over the past several years, DOE held stakeholder meetings around the country to develop a national energy policy plan. The plan is likely to be far-reaching, including energy conservation and efficiency goals, environmental cleanup plans, and energy research goals. DOE has not yet reported its findings concerning the plan. Once the plan is announced, the Committee will examine the plan and DOE's findings. (Fall 1996).

SALE OF URANIUM

As the Cold War came to a close, United States' supplies of excess highly enriched (weapons-grade) uranium (HEU) exceeded the

needs of the military. In addition, the United States agreed to purchase 500 metric tons of HEU from the former Soviet Union (representing the uranium from approximately 20,000 warheads). HEU can be "blended down" by USEC and sold as fuel to utilities for use in commercial reactors and the Administration estimates it can raise $400 million through such sales. This figure is questionable because the amount of HEU available to be sold is unclear. In addition, dumping such a large amount of uranium on the world market could adversely impact already depressed uranium prices. The Committee will explore the possibility and proceeds of HEU sales. (February 1995).

### HYDROELECTRIC LICENSING REFORM

Although hydroelectric licensing was addressed in EPAct, almost everyone, from industry to environmental groups, remains critical of the licensing process. The often conflicting jurisdictions and agendas of various agencies, including FERC, Fish and Wildlife, and EPA, has led to a 20 year—and extremely expensive—licensing process. With a large number of dams up for relicensing, many environmental groups hope to force licensees to abandon relicensing. However, even if dams are not relicensed, their destruction is in reality not an option. This Committee will consider streamlining the licensing process. (Fall/Winter 1996).

## II. Oversight Activities with Other Committees

On Energy issues, the Committee on Commerce shares or overlaps jurisdiction with several Committees. Some of the joint oversight hearings in which this Committee will participate include:

### ALASKA NORTH SLOPE OIL EXPORTS

Currently, a ban exists on exporting crude oil from the Alaska North Slope. Consequently, all North Slope oil produced is shipped to California where oil prices are depressed. The United States could generate more money for this oil by selling it to Pacific Rim countries. This Committee will explore the costs of maintaining the export ban and the revenue potential of lifting it. The International Relations Committee shares jurisdiction. (1995)

### NORTH KOREA NUCLEAR AGREEMENT

The North Korea nuclear agreement requires the United States to assist with the construction and operation of a nuclear power plant in North Korea. In exchange, North Korea agreed to dismantle its nuclear reactors which produce weapons fuel. Significant energy issues and United States national security issues are implicated by this agreement and this Committee will consider them. The Committee on International Relations and/or the National Security Committee share jurisdiction. (1995/1996).

### SALE OF THE NAVAL PETROLEUM RESERVE

The government should sell the Naval Petroleum Reserve (NPR). The NPR is an oil field located at Elk Hills, California, which is 78 percent owned by the U.S. government. Chevron owns the re-

maining 22 percent. It was established in the early 1900s to ensure fuel supplies for the military, was first tapped during the 1973 oil embargo, and has never supplied oil to the military. The NPR is the seventh largest oil field in the lower 48 States, producing approximately 41,000 barrels of oil per day, and generating oil sale revenues of $327 million in 1992. The NPR does not function as an emergency petroleum supply like the Strategic Petroleum Reserve. Thus, there is no policy reason for these U.S. owned oil fields. An outright sale would generate some $1.6 billion if scoring procedures are changed to accurately reflect revenues from the sale. This Committee will explore the sale of the NPR. The National Security Committee shares jurisdiction. (1995).

## COMMERCE, TRADE, AND HAZARDOUS MATERIALS ISSUES

### EVALUATION OF CONSUMER PRODUCT SAFETY COMMISSION (CPSC) RULEMAKING

This hearing will be held in connection with the reauthorization of the CPSC and will review current and past rulemaking activities. It will also evaluate CPSC procedures for the public release of sensitive and trade secret material. Have those procedures unnecessarily compromised the corporations overseen? Has the CPSC resorted to "corporate trial by press release" as a regulatory strategy? (Summer 1995).

### NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC)

Hearings will oversee the NAIC Financial Standards Accreditation program, uniform agent licensing and efforts by several Midwestern States to establish a multi-state insurance compact governing liquidation, rehabilitation, and guaranty funds. NAIC efforts to establish an anti-fraud database and its recommendations on establishing an international gatekeeper to assess foreign reinsurance solvency will also be considered. (Spring 1996).

### LIABILITY RISK RETENTION ACT (LRRA)

The Committee will review the impact of the LRRA for benefits realized as well as any unintended consequences. (Spring 1996).

### FOREIGN BARRIERS TO TRADE

The Committee will consider technical and other barriers to trade in products, including financial products, particularly insurance. Some countries have used technical barriers to trade (TBTs) in order to restrict imports without resorting to tariffs which might lead to retaliation and trade wars. (Fall 1995).

### AMERICAN AUTOMOBILE LABELING ACT (AALA)

The overall effectiveness of this statute will be reviewed. What have been its costs, benefits and unforeseen consequences? (Summer 1995).

### FOREIGN INVESTMENT RESTRICTIONS

The Committee will review the following: what restrictions should be placed upon foreign investment in U.S. telecommunications and R&D; how have current restrictions affected U.S. industries and global competitiveness? The repeal of Section 310(b) of the Communications Act of 1934 will also be considered in this investigation. (Fall 1995).

### NAFTA AND GATT

The effectiveness of trilateral and multilateral trade agreements like the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) will be considered, as will the question of extending NAFTA to Chile. (Fall 1995).

### SUPERFUND

This Committee will consider risk assessment practices of EPA and the EPA's evaluation of the toxic agents and disease registry. (Summer 1995).

## HEALTH AND ENVIRONMENT ISSUES

### CLEAN AIR ACT OF 1990

At a February 9, 1995, hearing, EPA Administrator Carol Browner and three governors testified on the current implementation of the Clean Air Act Amendments of 1990 (CAAA). Additional hearings will examine: Enhanced Inspection and Maintenance Programs, Employer Trip Reduction requirements, alternative fuels vehicles, Permitting, SIP review process, and reformulated gasoline. (1995).

### RADON

Numerous reports on radon have stated widely divergent levels as harmful to humans. Hearings will consider the science of radon exposure and, in particular, the effects of low level radon exposure over varying periods of time and cost-effective approaches to radon reduction in homes. (1995).

### SAFE DRINKING WATER ACT

H.R. 226 pertains to the Safe Drinking Water Act. Legislative hearings will be held in preparation for markup of H.R. 226. (Spring 1995).

### LEAD

This Committee will examine the efforts to reduce airborne lead and the results. The resulting benefits of lead reduction in urban communities and relative risks of different exposure pathways will be considered. (Winter 1995).

THE FEDERAL DRUG ADMINISTRATION'S APPROVAL PROCESS FOR MEDICAL DEVICES

Have Federal Drug Administration (FDA) delays in reviewing devices unnecessarily impeded patient access to beneficial new treatments and in the long term chilled innovation? This Committee will examine the process, FDA's performance, actual impacts, and possible improvements. (Spring/Summer 1995).

REVIEW FDA'S APPROVAL PROCESS FOR DRUGS

Do FDA delays in reviewing drugs unnecessarily impede patient access to beneficial new treatments and in the long term chill innovation? An examination of the process, the FDA's performance, actual impacts, and possible improvements will be undertaken. (Spring/Summer 1995).

REVIEW FDA'S APPROVAL PROCESS FOR BIOLOGICS

FDA delays in reviewing biologics have unnecessarily impeded patient access to beneficial new treatments and, in the long term, could impede innovation. This Committee will review the process, FDA's performance, actual impacts, and consider improvements where necessary. (Spring/Summer 1995).

REVIEW FDA'S FOOD ADDITIVES APPROVAL PROCESS

The Committee will examine the FDA food additives approval process and recommend improvements where necessary. (Spring/Summer 1995).

REVIEW FDA'S EFFORTS TO MINIMIZE THE DANGER OF ARBITRARY AND UNFAIR ENFORCEMENT PRACTICES

Concerns have centered on apparent inconsistencies in the implementation of the FDA's "get tough" enforcement policy. A hearing will address these concerns and review the agency's policymaking procedures. (Spring/Summer 1995).

EVALUATE FDA PROGRAMS AFFECTING BIOTECHNOLOGY MEDICAL RESEARCH AND PRODUCTS

Questions have been raised about unnecessarily burdensome FDA regulation. Various proposals have been made or are currently under development to speed up the drug, biologic, and device approval processes. This Committee will examine structural problems in the approval process, areas creating inefficiencies, and unnecessary burdens for biotechnology research and products. (1995).

EVALUATE FDA PROGRAMS AFFECTING BIOTECHNOLOGY FOOD RESEARCH AND PRODUCTS

FDA has had conflicting policies concerning biotechnology related foods and foods with biotechnologically enhanced properties. FDA routinely takes a very long time to approve products and FDA problems remain long after approval. This Committee will examine the need for, structure of, and unnecessary burdens related to

FDA's past, present, and proposed food biotechnology regulation. (Spring 1995)

### EVALUATE NATIONAL INSTITUTES OF HEALTH PROGRAMS TO APPROVE BIOTECHNOLOGY-RELATED RESEARCH AND ITS DIFFUSION

National Institutes of Health (NIH) not only fund basic biomedical research, NIH committees also approve the conduct of such biotechnology research as human gene therapy, and impose requirements in contracts and grants. Given the need to stimulate medical innovation in new biotechnology-related therapies and other proposals to speed up the drug approval process, this Committee will address the need for, structure of, and problems related to NIH's approval and diffusion of biotechnology research. (Fall 1995).

### EVALUATE ENVIRONMENTAL PROTECTION AGENCY (EPA) BIOTECHNOLOGY-RELATED REGULATORY AND RESEARCH PROGRAMS

Biotechnology holds great promise for environmentally-friendly new pesticides, disease resistant plants, efficient industrial processes, clean-up technologies (bioremediation), and other applications. EPA has targeted biotechnology research and products for special regulation. This oversight will review EPA's biotechnology regulation. (Spring/Summer/Fall 1995).

### EVALUATION OF THE DEPARTMENT OF AGRICULTURE'S BIOTECHNOLOGY RESEARCH

The United States Department of Agriculture (USDA), EPA and FDA share jurisdiction for regulation of biotechnology research and product related crops, pesticides, and biocontrol agents. Scientifically-based regulation is essential to minimize unnecessary burden. This Committee will review USDA's regulation of biotechnology research and products. (Summer 1995).

## TELECOMMUNICATIONS AND FINANCE ISSUES

### OVERSIGHT OF THE DERIVATIVE FINANCIAL MARKETS

On May 18, 1994, in response to this Committee's 1992 request, the General Accounting Office (GAO) submitted a report entitled *Financial Derivatives: Actions Needed to Protect the Financial System*. GAO's specific recommendations to Congress include: extending Federal authority over currently unregulated dealers; improving coordination of derivatives regulation; and restructuring the financial regulatory system. In response to the GAO report, the Committee held five oversight hearings in 1994. This Committee will continue the hearings in response to the GAO report. (Fall 1995).

### OVERSIGHT OF THE MUNICIPAL SECURITIES MARKETS

In past hearings, the Municipal Securities Rulemaking Board (MSRB) testified that the self-regulatory structure governing the municipal markets, which splits rulemaking and enforcement responsibilities between the Securities and Exchange Commission

(SEC), MSRB, NASD and bank regulators, has worked well enough over the years that there was no need to change the basic structure. The Committee will continue oversight of the Municipal Securities Market in the 104th Congress. (Spring 1996).

OVERSIGHT OF THE IMPLEMENTATION OF T + 3

Beginning in June 1995, SEC's regulation will require the settlement of securities transactions in 3 days instead of 5 days. This hearing will monitor the regulation and SEC's enforcement of the rule. (Summer 1995).

OVERSIGHT OF THE SEC CAPACITY TO PERFORM MARKET TECHNOLOGY OVERSIGHT

SEC is involved in the Central Registration Depository (CRD) and EDGAR, which involves security registration of individuals and securities. SEC has no ability to independently evaluate computer systems. This Committee will consider SEC's ability to evaluate computer systems and EDGAR. (Fall 1995).

HEARINGS ON PHASE II OF THE NATIONAL MARKET SYSTEM (FUTURE STRUCTURAL CHANGE OF THE OVER-THE-COUNTER STOCK MARKET)

In 1975, Congress enacted the Securities Act Amendments, which directed SEC to facilitate the establishment of a National Market System for securities. The SEC has conducted studies with recommendations for the restructuring the stock exchanges and Over-The-Counter Stock Markets. This hearing will continue oversight and review of the National Market System.

HEARINGS ON SEC EFFORTS CONCERNING SMALL INVESTOR PROTECTION

As pension plan definitions have changed from a benefit plan to a contribution plan, small investors' decisions are not regulated by SEC. This Committee will examine what need, if any, exists for SEC to become involved in this area. (Winter 1995).

PERSONAL COMMUNICATIONS SERVICES

On September 23, 1993, the Federal Communications Commission (FCC) issued its decision on the PCS rules announcing that licenses would be awarded using MTA and BTA zones, consisting of seven PCS licenses in each location ranging in size from 10MHz to 30MHz. This spectrum was freed up in response to the Spectrum Reform Act passed as part of the Omnibus Budget Reconciliation Act of 1993. (P.L. 103-66) In 1994, the FCC began the first phase of auctions expected to continue into 1995. This Committee will closely monitor auctions to ensure they are conducted so as to maximize fees while reaching those best able to productively use the spectrum. (1995)

IMPLEMENTATION OF THE CABLE CONSUMER PROTECTION AND COMPETITION ACT OF 1992 (ACT)

The Act was passed October 5, 1992 and FCC implementation occurred throughout the 103d Congress. The primary purpose of the

Act was to regulate basic cable rates and mandate improved customer service standards. The Act also contained requirements relating to the carriage of commercial and noncommercial television stations, as well as retransmission consent provisions. A series of hearings will review whether implementation of the Act has achieved the purpose of greater programming diversity, increased competition, and lower cable rates. (Winter 1995).

AUTHORIZATION OF THE CORPORATION FOR PUBLIC BROADCASTING

Congress created the Corporation for Public Broadcasting (CPB) through the Public Broadcasting Act of 1967. Historically, the Committee has been charged with monitoring the activities of the CPB and authorizing appropriations. Presently, the CPB is authorized through Fiscal Year 1996. This Committee will investigate to what extent Federal funding is necessary for the continued survival of the CPB. (1995).

# PART B

## IMPLEMENTATION OF THE COMMITTEE ON COMMERCE OVERSIGHT PLAN FOR THE 104TH CONGRESS

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## ENERGY AND POWER ISSUES

### I. OVERSIGHT ACTIVITIES WITHIN THE COMMITTEE ON COMMERCE

#### NUCLEAR WASTE POLICY ACT OF 1982

In the 104th Congress, the Subcommittee on Energy and Power held two oversight hearings focusing on High-Level Radioactive Waste Disposal. On June 28, 1995, the Subcommittee held an oversight hearing focusing on the status of current interim storage practices and policies. On June 30, 1995, the Subcommittee held an oversight hearing on the status of the permanent repository program and site characterization at the proposed permanent repository at Yucca Mountain, Nevada. The testimony and information presented at both of these oversight hearings assisted the Committee during its later consideration of legislation to overhaul the nation's current nuclear waste disposal program.

On July 12, 1995, the Subcommittee on Energy and Power held a hearing to examine various legislative proposals to revise the Nuclear Waste Policy Act. The hearing included the following legislation: H.R. 1020, the Nuclear Waste Policy Act of 1995; H.R. 496, the Nuclear Waste Policy Reassessment Act; H.R. 1032, the Electric Consumers and Environmental Protection Act; H.R. 1174, the Nuclear Waste Disposal Funding Act; and H.R. 1924, the Interim Waste Act.

As a result of these oversight and legislative hearings, the Commerce Committee reported H.R. 1020, the Nuclear Waste Policy Act of 1995, to the House. H.R. 1020 replaces the Nuclear Waste Policy Act of 1982 (Public Law 97-425, and amendments of Public Law 100-202 and Public Law 100-203), and sought to achieve three primary goals: (1) maintenance of a strong commitment to the permanent repository program, which would provide a site for final disposal of U.S. spent nuclear fuel and high-level radioactive defense waste; (2) construction of an interim storage facility for spent nuclear fuel near the Yucca Mountain site, in order to fulfill the Department of Energy's obligation to begin accepting spent nuclear fuel in 1998; and (3) replacement of the current Nuclear Waste Fund financing mechanism with an annual fee based on the level of spending for waste disposal activities, to eliminate further diversions of the current Fund for non-nuclear waste disposal policy activities.

H.R. 1020 was also referred to the following Committees: the Committee on Transportation and Infrastructure; the Committee on Resources; and the Committee on the Budget. Efforts to resolve the differences among the four House Committees and with the Senate-passed companion bill, S. 1936, were unsuccessful before the adjournment of the 104th Congress.

WASTE ISOLATION PILOT PLANT

The Subcommittee on Energy and Power held a legislative hearing on July 21, 1995, which examined the progress of activities at the Waste Isolation Pilot Plan (WIPP) and focused on legislation (H.R. 1663) to amend the WIPP Land Withdrawal Act (Public Law 102-579). The hearing was instrumental in discovering outdated statutory requirements and regulatory hurdles which prevented the certification of the site by the Environmental Protection Agency. As a result of information gained from this hearing, the Committee on Commerce approved a Committee Print, entitled "Waste Isolation Pilot Project," and transmitted it to the Committee on the Budget for inclusion in the H.R. 2491, the Seven Year Balanced Budget Act of 1995, which passed the House on October 26, 1995. After the WIPP provisions were stricken from the bill during the House-Senate conference, the Committee on Commerce reported H.R. 1663 to the House. Amendments to WIPP were finally enacted into law as part of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201).

ENERGY POLICY ACT (EPACT)

*Electricity Provisions*

During the 104th Congress, the Subcommittee on Energy and Power held eight hearings on further enhancing competition in the electric utility industry in light of wholesale competition begun by EPAct. These hearings examined a range of topics including the impact that restructuring the electric utility industry to make it more competitive would have on the environment, technology, reliability, small and large consumers, and the financial integrity of utilities. Two of these hearings focused on the Federal Energy Regulatory Commission's implementation of electric utility reforms in the Energy Policy Act of 1992. In the course of these hearings, the Subcommittee explored the pros and cons of retail customer choice and the benefits of taking a comprehensive versus piecemeal approach to future legislation related to electric utilities. The Committee on Commerce will continue its in-depth look at the electric utility industry in the 105th Congress and work towards the development of consensus legislation that will provide all retail electric consumers with a choice among competitive electricity suppliers.

*Alternative Fuels Provisions*

On June 6, 1995, the Subcommittee on Energy and Power held an oversight hearing on the Future of Alternative Fuels. The hearing focused on the Administration's implementation of the alternative fuels provisions of the Clean Air Act Amendments of 1990 and the Energy Policy Act of 1992. The Subcommittee received testimony from witnesses regarding the purposes for alternative fuels

mandates, their success in achieving their purposes, and proposals to change alternative fuel programs so that they can better achieve their purposes.

*Energy Efficiency Standards*

In the 104th Congress, the Subcommittee on Energy and Power held an oversight hearing on Federal Energy Efficiency Standards for Consumer Products on July 25, 1996. The hearing focused on the Department of Energy's (DOE's) management of the energy efficiency standards program for various consumer products. DOE's management of the appliance standards program has been criticized for inadequate consideration of consumer impacts and anticompetitive effects, limited involvement of stakeholders, and reliance on poor technical expertise. These concerns led Congress to include a moratorium on promulgation of new standards in the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996. In response, DOE promulgated a rule to govern the consideration of new or revised energy efficiency standards for consumer products. This oversight hearing examined whether this DOE rule corrects the problems in DOE's management of the program.

*Uranium Enrichment Corporation*

On February 24, 1995, the Subcommittee on Energy and Power held a hearing on the privatization of the United States Enrichment Corporation (USEC). The hearing focused on the potential benefits and drawbacks of selling the USEC, how best to structure a sale in order to maximize the return to the Federal Treasury, and the importance of maintaining a strong domestic uranium enrichment capability.

As a result of this hearing, legislation was introduced in the House (H.R. 1216) to facilitate the privatization of USEC. H.R. 1216 contained provisions to increase the return to the taxpayers from the sale of the corporation to potential purchasers or shareholders, and to eliminate burdensome statutory requirements for the privatized corporation. It also contained language designed to promote an orderly transition from government ownership to the private sector for USEC, including transition requirements for Federal employees affected by the sale.

H.R. 1216 was reported to the House by the Committee on Commerce on March 23, 1995, and the provisions of the bill were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995.

A modified version of H.R. 1216 was also approved by the Committee on Commerce and transmitted to the Committee on the Budget for inclusion in H.R. 2491. The USEC provisions were retained during the House-Senate conference on H.R. 2491 and included in the bill vetoed by the President on December 6, 1995.

Legislative language to privatize USEC was finally enacted into law as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134).

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA/BEVILL WASTES)

The Environmental Protection Agency has not yet made a final determination on the treatment of cement kiln dust, however, the Subcommittee on Energy and Power has informally probed the Agency on proposed regulatory actions. Additionally, it was anticipated that legislative language addressing Bevill and Bentsen wastes would be addressed during the Committee on Commerce's consideration of the reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act (Superfund). Although the Subcommittee on Commerce, Trade, and Hazardous Materials completed action on Superfund reauthorizing legislation (H.R. 2500), efforts to reach a consensus on Superfund legislation for Full Committee consideration were unsuccessful. Consequently, the Subcommittee on Energy and Power was preempted from taking action. This matter has significant implications for the treatment of other similarly classified wastes under the Resource Conservation and Recovery Act, and the Subcommittee will continue to monitor developments in this area.

FEDERAL FACILITIES COMPLIANCE ACT

The Subcommittee on Energy and Power held a number of hearings which examined the issue of Federal facilities compliance with environmental statutes. On February 8, 1995, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE's) budget request for Fiscal Year 1996. The purpose of the hearing was to examine the shift of funding priorities within DOE as work moves from nuclear weapons production into environmental remediation of its facilities. The specific issue of environmental management funding was addressed at the hearing. On February 24, 1995, the Subcommittee on Energy and Power held a hearing on the privatization of the United States Enrichment Corporation (USEC). The hearing focused on the potential benefits and drawbacks of selling the USEC, how best to structure a sale in order to maximize the return to the Federal treasury, and the importance of maintaining a strong domestic uranium enrichment capability. One specific area of interest involved the liability for environmental restoration of the uranium enrichment facilities USEC utilizes, and this matter was addressed at the hearing.

At the June 21, 1995, Subcommittee on Energy and Power hearing on the reorganization of the Department of Energy, the issue of environmental responsibilities was addressed in the context of proposals to abolish the agency and transfer certain functions to other agencies. On June 30, 1995, the Subcommittee on Energy and Power held an oversight hearing on the status of the permanent high-level radioactive waste repository program. The issue of environmental standards at the site and implications for the cleanup of facilities throughout the DOE weapons complex was discussed at the hearing.

On July 21, 1995, the Subcommittee on Energy and Power held a hearing on H.R. 1663, a bill which amends the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act. WIPP, the world's first permanent repository for radioactive waste, has been completed since 1991, and remains unopened due to bureaucratic hurdles.

Certification of the facility is subject to the Federal Facilities Compliance Act (FFCA), and presently many Federal facilities with radioactive contamination are not in compliance with FFCA requirements. A certified WIPP facility would be able to begin accepting this waste from other facilities, facilitating their ability to comply with these requirements.

On October 31, 1995, the Subcommittee on Energy and Power held a hearing on the DOE's management of environmental remediation and compliance requirements at its facilities. The purpose of the hearing was to examine the current state of DOE's environmental management program, focusing on the impact that contractor reforms, State-Federal relationships, and programmatic changes have had on cleanup activities at DOE sites.

PUBLIC UTILITY HOLDING COMPANY ACT/PUBLIC UTILITY REGULATORY POLICIES ACT (PUHCA/PURPA)

During the 104th Congress, the Subcommittee on Energy and Power and the Subcommittee on Telecommunications and Finance held two joint oversight hearings focusing on the need to repeal or reform the Public Utility Holding Company Act (PUHCA) on August 4 and October 13, 1995. The Subcommittee on Energy and Power held an oversight hearing on the Public Utility Regulatory Policies Act (PURPA) on February 1, 1996. PUHCA, enacted in 1935, was designed to protect consumers of multi-State holding companies from abuses that State regulators would lack authority to remedy. PURPA was enacted in 1978 as one response to the energy crisis. The hearings on both statutes focused on the continuing need for them in an increasingly competitive electric utility industry. No consensus was reached on repealing or reforming either statute on a stand-alone basis. The Subcommittee will again examine these statutes in the 105th Congress as part of the effort to enact legislation to restructure the electric utility industry.

PUBLIC UTILITY HOLDING COMPANY ACT (TELECOMMUNICATIONS REFORM)

In the 104th Congress, the Subcommittee on Energy and Power and the Subcommittee on Telecommunications and Finance held two joint oversight hearings focusing on the need to repeal or reform the Public Utility Holding Company Act (PUHCA) on August 4 and October 13, 1995. The hearings specifically focused on a June 1995, report prepared by the staff of the Securities and Exchange Commission Division of Investment Management entitled *The Regulation of Public-Utility Holding Companies.*

Testimony and information gathered at these hearings provided a variety of positions on the necessity for repeal or reform of the Public Utility Holding Company Act. This information provided the basis for the partial reform of PUHCA in the Telecommunications Act of 1996 (Public Law 104-104). The Telecommunications Act of 1996 amends PUHCA to permit registered public utility holding companies to diversify into telecommunications, information, and related services and products. The Telecommunications Act of 1996 imposes certain conditions upon the holding companies that seek to

so diversify, including the requirement that a company obtain approval from its State public service commission.

DOE FY 96 BUDGET

On February 8, 1995, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE's) budget request for Fiscal Year 1996. The purpose of the hearing was to examine the shifting funding priorities within DOE as work moves from nuclear weapons production into environmental remediation of its facilities. Specifically, the hearing focused on DOE's plans to initiate a 5-year program to reduce departmental spending by $14.1 billion. Information presented at the hearing assisted the Committee in subsequent action on the Administration's budget proposals, including activity on the Balanced Budget Act of 1995 (H.R. 2491).

On March 22, 1996, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE) budget request for Fiscal Year 1997. The purpose of the hearing was to examine the shifting funding priorities of DOE missions at a time of flat budgets. The hearing focused largely on concerns regarding DOE's management of the Environmental Management program, the progress of the high-level nuclear waste program, DOE's nuclear nonproliferation programs, and the future of the national laboratories.

GLOBAL CLIMATE CHANGE

The Subcommittee on Energy and Power held four oversight hearings in the 104th Congress on international global climate change negotiations and their impact on the U.S. economy. These hearings were held on March 21, 1995; May 19, 1995; June 19, 1996; and September 26, 1996. The hearings focused on the negotiations leading up to and beyond the agreement signed by the United States in Berlin, Germany, in March 1995 (the "Berlin Mandate"). This "mandate" provided the basis for the signatories to the climate change treaty to begin negotiating a new greenhouse gas emission agreement applicable to the post-2000 timeframe. Such an agreement is expected to be concluded in December 1997. The Subcommittee is continuing to monitor the Administration's progress in negotiating this post-2000 agreement. Of particular concern to the Subcommittee is the lack of information about the impact such an agreement would have on the global trade competitiveness of the United States, particularly in light of the fact that developing countries will not be required to undertake any specific activities for the foreseeable future.

STRATEGIC PETROLEUM RESERVE

On May 8, 1996, the Subcommittee on Energy and Power held a hearing on the future of the Strategic Petroleum Reserve. The Reserve is the U.S.'s first line of defense in an energy emergency. During the 104th Congress, three separate sales of oil were made from the Reserve to pay for operations at the Reserve. The hearing focused on the impact the sales of oil from the Reserve for budgetary purposes will have on U.S. energy security. The Subcommit-

tee also examined the future cost of operating the Reserve and how it will be funded in the future. As a result of this hearing, and in light of the uncertainty that surrounds future funding for the Strategic Petroleum Reserve, only a 1 year reauthorization was enacted into law in the 104th Congress (Public Law 104-306).

DEPARTMENT OF ENERGY ORGANIZATION

On June 21, 1995, the Subcommittee on Energy and Power held an oversight hearing on reorganization of the Department of Energy (DOE). A Member of Congress explained his proposal to abolish the agency and transfer certain functions to other agencies. The Secretary of Energy opposed terminating DOE, instead favoring an internal reorganization plan to improve performance and produce savings. Other witnesses included representatives from a Federal agency, industry, the environmental community, a former DOE official, a DOE contractor, and the General Accounting Office.

On June 12, 1996, the Subcommittee on Energy and Power held an oversight hearing on the General Accounting Office's May 1996 report on the progress of the Department of Energy's Strategic Alignment and Downsizing Initiative. The purpose of the hearing was to examine the progress of DOE's efforts to implement its internal program to reduce layers of management, eliminate redundancies and responsibly integrate operational activities where possible. Witnesses included representatives of the General Accounting Office and the Department of Energy.

THE ADMINISTRATION'S NATIONAL ENERGY POLICY PLAN

The Subcommittee on Energy and Power did not hold hearings on the National Energy Policy Plan itself, but instead held hearings on many of the specific topics contained within the Plan. Most notably, the Subcommittee held hearings on energy security, global climate change and sustainable development, automobile fuel economy standards, and appliance energy efficiency standards. The Subcommittee will continue to monitor the development of energy policy by the Department of Energy to assure that it is consistent with Congressional priorities.

SALE OF URANIUM

On February 24, 1995, the Subcommittee on Energy and Power held a hearing on privatization of the United States Enrichment Corporation (USEC). The hearing focused the potential benefits and drawbacks of selling the USEC, how best to structure a sale in order to maximize the return to the Federal treasury, and the importance of maintaining a strong domestic uranium enrichment capability. An integral part of the hearing, and subsequent work on legislation, included the inter-relationship of the U.S.-Russian highly enriched uranium (HEU) agreement with USEC privatization, the effects of the agreement on domestic uranium production, and the non-proliferation benefits of the arrangement.

As a result of this hearing, legislation was introduced in the House (H.R. 1216) to facilitate the privatization of USEC. H.R. 1216 was reported to the House by the Committee on Commerce on March 23, 1995, and the provisions of the bill were incorporated

into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995.

A modified version of H.R. 1216 was also approved by the Committee on Commerce and transmitted to the Committee on the Budget for inclusion in H.R. 2491. The USEC provisions were retained during the House-Senate conference on H.R. 2491 and included in the bill vetoed by the President on December 6, 1995.

Legislative language to privatize USEC was finally enacted into law as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), and a significant portion of the language addressed issues concerning the operation of the U.S.-Russian HEU agreement.

### HYDROELECTRIC LICENSING REFORM

In the 104th Congress, the Subcommittee on Energy and Power held a hearing on October 18, 1995, on a number of bills to extend the construction deadline for hydroelectric projects. This hearing explored issues related to the licensing of hydroelectric projects, including the conflicting jurisdictions of State and Federal agencies. In addition, the Chairman of the Subcommittee on Energy and Power exchanged correspondence with the Chairman of the Federal Energy Regulatory Commission on the progress of the Commission on reforming the hydroelectric licensing process.

## II. Oversight Activities with Other Committees

### ALASKA NORTH SLOPE OIL EXPORTS

The 104th Congress passed the Alaska Power Administration Asset Sale and Termination Act (Public Law 104-58) which authorizes and directs the Secretary of Energy to export Alaska North Slope crude oil. The Committee on Commerce worked with the Committee on Resources during the development of this legislation and participated in the House-Senate conference meetings on this legislation.

### NORTH KOREA NUCLEAR AGREEMENT

In the 104th Congress, the Subcommittee on Energy and Power continued to monitor progress of the North Korea nuclear agreement, especially as it implicates areas under the jurisdiction of the Committee on Commerce. Specifically, this includes matters involving the transport of spent nuclear fuel, the use of nuclear energy, decontamination and decommissioning of reactor sites, and periodic inspections by the International Atomic Energy Agency. Legislatively, the only activity in this area was the passage of House Joint Resolution 83, which expresses the Sense of Congress regarding U.S. involvement in the North Korea agreement, reaffirming that North Korea must abide by the strictures of the agreement. That resolution passed the House on September 18, 1995, and was referred to the Senate Committee on Foreign Relations, which took no action on the resolution.

### SALE OF THE NAVAL PETROLEUM RESERVE

On September 8, 1995, the Subcommittee on Energy and Power held a hearing on proposals to privatize the Naval Petroleum Reserve No. 1 located at Elk Hills, California. As a result of information gained from this hearing, on September 13, 1995, the Committee on Commerce approved a Committee Print entitled, "Naval Petroleum Reserves," and transmitted it to the Committee on the Budget for inclusion in H.R. 2491, the Seven Year Balanced Budget Act of 1995, which passed the House on October 26, 1995. The Naval Petroleum Reserve provisions were stricken during the House-Senate conference on H.R. 2491.

Legislative language to privatize the Naval Petroleum Reserve was finally enacted into law as part of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106).

## ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

### DOE TRAVEL EXPENDITURES AND RELATED FINANCIAL ISSUES

In the 104th Congress, the Committee on Commerce held seven oversight hearings on the Department of Energy's (DOE's) travel expenditures and related financial issues.

In November 1995, numerous reports appeared in the press that the Department of Energy had used Federal funds to pay for a contract with CARMA International to monitor and analyze media coverage of the Secretary of Energy and the Department. In response to these reports, the Subcommittee on Oversight and Investigations held a joint oversight hearing with the Subcommittee on Energy and Power to determine if, in fact, the Department had used taxpayer dollars for the purpose of compiling information on reporters and Members of Congress and to examine the motivations behind the CARMA International contract and the use of the data received by the Department of Energy.

The hearing also revealed allegations of inappropriate expenses and undocumented spending incurred by the Office of the Secretary in connection with several international DOE trips. As a result of these allegations, and as part of the Subcommittee's commitment to closely examine all aspects of DOE's budget to ascertain if it is spending taxpayer dollars in the most cost-effective manner, the Subcommittee on Oversight and Investigations held a series of five hearings in the Second Session examining the Department of Energy's travel expenditures and related issues. These hearings were held on January 4, 1996; March 8, 1996; April 24, 1996; June 12, 1996; and June 13, 1996.

The first hearing on January 4, 1996, focused on a General Accounting Office (GAO) Report issued on December 28, 1995, entitled *Energy Management: Unsubstantiated DOE Travel Payments,* which analyzed two of the sixteen foreign trips taken by the Secretary. The trips in question were foreign trade missions to India and South Africa in July 1994 and August 1995, respectively.

The GAO testimony highlighted four major areas of concern. The first was the level of undocumented spending by the Department on both the India and South Africa trips—costs authorized by DOE, incurred by the U.S. Embassy, and reimbursed by DOE without

records, receipts, or vouchers, which were in the Department of State. After examining the documents, DOE protested $117,000. Second, the GAO testimony revealed that the cost of aircraft acquisition was high and the processes for acquiring such had administrative problems. Third, the GAO testimony revealed a dispute over DOE reprogramming of defense funds to support foreign travel. GAO testified that DOE reprogrammed $400,000 from the defense-related appropriations account to pay expenses associated with foreign trade missions, an action that GAO said violated a long-standing principle of appropriations accounting. Finally, GAO testimony revealed delays by DOE in seeking reimbursement of travel costs for persons who were not government employees.

The second Subcommittee hearing on March 8, 1996, focused on recommendations made by the DOE Inspector General in 1994 to establish adequate controls over the acquisition and financing of air services used by the Department for international travel, and the Department's failure to implement those recommendations in a timely manner. At the hearing, the Inspector General testified that, as of March 8, 1996, the Department had addressed adequately only one of his 1994 recommendations.

In response to this hearing, the Subcommittee received a March 13, 1996, letter from Secretary O'Leary expressing her concern that all the reforms identified by the Inspector General had not been implemented. In addition, the Secretary promised not to go on any more trade missions until the Inspector General and the General Accounting Office agreed that DOE has implemented reforms to the acquisition of aircraft for trade missions, which was the bulk of the cost of the trade missions. DOE implemented these reform procedures on July 31, 1996.

The Subcommittee hearings on April 24, June 12, and June 13, 1996, examined DOE's assertions of trade mission-related exports and the relative value of the contracts signed as a result of the DOE trade missions, the benefits of the trade missions, and DOE's implementation of the changes.

On a separate issue, on March 27, 1996, the Subcommittee on Oversight and Investigations held a hearing on furloughs and financial management at the Department of Energy (DOE). The hearing dealt with the decision to furlough DOE Departmental Administration employees across-the-board, which merely delays decisions that must be made to realign DOE's structure in the post-Cold War environment. Focus was also directed at measures to avoid the furlough, such as conserving funds used for leadership training and international travel, that were not taken.

As a result of the testimony received at the hearing, the Subcommittee Chairman sent a letter on April 23, 1996, to the Chairman of the Committee on Appropriations Subcommittee on Energy and Water Development asking that the Secretary of Energy be given permission to reprogram funds from within the Departmental Administration account and DOE travel funds so that civil servant employees need not be furloughed.

### IMPLEMENTATION OF CORPORATE AVERAGE FUEL ECONOMY (CAFE) STANDARDS AND RELATED ISSUES

On July 24, 1995, the Subcommittee on Energy and Power held a hearing on the implementation of the Corporate Average Fuel Economy (CAFE) standards. The hearing focused on the purposes for such standards, their success in achieving those purposes, and proposed changes for the program to better achieve its purposes.

### DEVELOPMENT OF TRITIUM PRODUCTION SOURCES FOR DEPARTMENT OF ENERGY DEFENSE NUCLEAR ACTIVITIES

On November 15, 1995, the Subcommittee on Energy and Power held an oversight hearing on Department of Energy (DOE) proposals to secure a stable source of tritium for U.S. atomic defense activities and the Report of the Speaker's Task Force on Nuclear Cleanup and Tritium Production entitled *Getting on with Tritium Production.* The purpose of the hearing was to examine the different options available to DOE for tritium production and to determine what effects these options may have on nuclear power generation within the utility market. In addition, the Subcommittee considered the various options' impact on the health and safety of nuclear workers and surrounding communities.

## COMMERCE, TRADE, AND HAZARDOUS MATERIALS ISSUES

### EVALUATION OF CONSUMER PRODUCT SAFETY COMMISSION (CPSC) RULEMAKING

On March 29, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the reauthorization of the Consumer Product Safety Commission (CPSC). The hearing focused on the CPSC's current and past rulemaking and information dissemination activities, as well as its proposed budgets, press policies, and proposals for restructuring the Agency in the future. This hearing created the foundation for subsequent proposals by the CPSC, the National Association of Manufacturers, and various other private business and consumer association recommendations for legislative restructuring of the CPSC, which the Subcommittee is currently examining.

In addition to the CPSC reauthorization hearings, the Subcommittee on Commerce, Trade, and Hazardous Materials submitted two document requests to the CPSC on July 18, 1995, and February 21, 1996, requesting comprehensive information on the CPSC's past and present policies, structure, and activities. A more narrow investigation of the CPSC is currently underway by the General Accounting Office (GAO) as a result of a Subcommittee request on July 23, 1996.

### NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC)

On March 22, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials, and the Subcommittee on Oversight and Investigations, held a joint briefing to receive information from Ms. Linda S. Kaiser, the Pennsylvania Insurance Commissioner. Ms. Kaiser discussed her specific decision to approve the restructuring

of CIGNA Corporation's insurance operations. She also reviewed and discussed the general ability of State insurance commissioners to regulate proposed divisions of company insurance operations, and agreed to help develop future multi-State guidelines to govern such proposals in the future. In response, the National Association of Insurance Commissioners (NAIC) has formed a task force to develop guidelines for review of insurance company proposals for liability restructuring.

Clarifying legislation for agent licensing and, in particular, the appropriate regulatory roles of the States and Federal government, were reviewed by the Subcommittee on Commerce, Trade, and Hazardous Materials in its May 22, 1995, hearing on H.R. 1317, the Insurance State's and Consumer's Rights Clarification and Fair Competition Act of 1995. Testimony was received by insurance agent associations, banking associations, land title agent associations, insurance company associations, and insurance regulators.

The Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance also considered insurance regulation and licensing issues during the two joint hearings that were held on June 6 and June 8, 1995 on H.R. 1062, the Financial Services Competitiveness Act of 1995. Testimony was received from Administration officials, insurance company associations, State financial officials, and other financial associations.

### FOREIGN BARRIERS TO TRADE

On May 9, 1996, the Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on international telecommunications and insurance trade barriers. Specific inquiries were made by the Subcommittee into the ongoing US-Japan dispute over the 1994 Insurance Agreement. The Subcommittee also reviewed the failure by the United States Trade Representative to achieve an international telecommunications agreement, and discussed the possibilities for other opportunities to open up foreign telecommunications markets.

### FOREIGN INVESTMENT RESTRICTIONS

On March 3, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing to examine the trade implications of foreign ownership restrictions on telecommunications companies and whether legislative action was needed to address this issue.

H.R. 514, a bill to repeal the foreign ownership restrictions under Section 310(b) of the Communications Act of 1934, was the subject of legislative hearings by the Subcommittee on Telecommunications and Finance during its consideration of comprehensive telecommunications reform legislation. Provisions of H.R. 514 were included in H.R. 1555, as passed by the House, but were deleted during the House-Senate conference on S. 652, the Telecommunications Act of 1996.

SUPERFUND (RISK ASSESSMENT)

The Subcommittee on Commerce, Trade, and Hazardous Materials, and the Subcommittee on Health and the Environment held two joint hearings on February 1 and February 2, 1995, on Title III, Risk Assessment and Cost-Benefit Analysis Act, of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. These hearings addressed risk assessment and cost-benefit analysis in Federal agencies. Superfund was among the programs covered. Testimony and information presented at these hearings assisted the Committee in the development of H.R. 1022, the Risk Assessment and Cost/Benefit Act of 1995, which passed the House twice; once on February 28, 1995, and again on March 3, 1995, as Division D of H.R. 9.

Hearings involving risk assessment practices were held on March 16, 1995 and May 23, 1995, both as part of an overview of the Superfund program and, specifically to address the selection of remedies at Superfund sites. Testimony was received from the Environmental Protection Agency (EPA), the Agency for Toxic Substances and Disease Registry (ATSDR), State officials, the regulated community, and the environmental community. The specific relationship of the work of ATSDR and EPA risk assessments was addressed in the second hearing. Risk assessment reform was part of H.R. 2500, the Reform of Superfund Act, which was approved for Full Committee consideration by the Subcommittee on Commerce, Trade, and Hazardous Materials on November 9, 1995.

## ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

SUPERFUND PROGRAM

In addition to examining the Superfund program in connection with the Committee's consideration of the risk assessment legislation, the Subcommittee on Commerce, Trade, and Hazardous Materials held eight oversight hearings on the Reauthorization of the Superfund Program addressing major concerns with the program.

The Subcommittee on Commerce, Trade, and Hazardous Materials held an oversight hearing on March 16, 1995, focusing on a general overview of the Superfund Program and reforms needed. The Subcommittee held an oversight hearing on Remedy Selection on May 23, 1995. A third Subcommittee hearing was held on June 15, 1995, on the State Role, Voluntary Cleanups, and Brownfields Redevelopment. The fourth Subcommittee hearing was held on June 20, 1995, and focused on Natural Resource Damages. The Subcommittee held two oversight hearings on Financing and Liability Issues on June 22, 1995, and July 18, 1995. On July 20, 1995, the Subcommittee held its seventh oversight hearing, focusing on the Resource Conservation and Recovery Act (RCRA) and its relationship to Superfund. Finally, on September 16, 1996, the Subcommittee held a field hearing in Bristol, Pennsylvania, on Federal Barriers to Environmental Cleanups.

The information learned from the first seven oversight hearings assisted in the development and introduction of H.R. 2500, the Reform of Superfund Act. The Subcommittee on Commerce, Trade, and Hazardous Materials, held two legislative hearings on October

18 and October 26, 1995, on that bill, and 4 days of legislative markups on November 1, November 2, November 8, and November 9, 1995. On November 9, 1995, H.R. 2500 was approved for Full Committee consideration.

Bipartisan discussions including the Administration took place in the Second Session of the 104th Congress. No further action was taken on the legislation.

## HEALTH AND ENVIRONMENT ISSUES

### CLEAN AIR ACT OF 1990

The Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a combined total of eleven oversight hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990. Hearings were held beginning on February 9, 1995, and continued until January 26, 1996. In addition, both Subcommittees sent numerous written inquiries to the Environmental Protection Agency (EPA) regarding its past interpretation of the statutory provisions of the Act and plans for further rulemakings.

This extensive review of the 1990 Amendments began with an overview hearing held by the Subcommittee on Oversight and Investigations on February 9, 1995, at which three Governors testified concerning implementation problems experienced in their States. The Governors cited such areas as enhanced inspection and maintenance of automobiles, the Title V permit program, State Implementation Plan Demonstrations, Ozone Transport Control requirements, redesignation requirements, Reformulated Gas and Oxygenated Fuel requirements, transportation conformity, the Employee Commute Option program, development of Maximum Achievable Control Technology standards, and Clean Air Act sanctions.

Oversight of the Clean Air Act Amendments of 1990 continued on March 16, 1996 with a hearing by the Subcommittee on Oversight and Investigations concerning the Employee Commute Options (ECO) program. This hearing received testimony from individual companies who were subject to the ECO requirement and, thus, needed to achieve a 25 percent increase in the vehicle occupancy of employee vehicles traveling to and from their worksites. This hearing provided the necessary information and record for the Subcommittee on Health and Environment and the Full Commerce Committee to report legislation to the House (H.R. 325), which was enacted into law (Public Law 104-70). This Act makes the ECO program a voluntary element of State Implementation Plans and repeals the prescriptive requirements of the 1990 Amendments.

On March 23, and March 24, 1995, the Subcommittee on Oversight and Investigations held two hearings regarding vehicle inspection and maintenance programs. Those hearings raised questions as to the degree of effectiveness of centralized testing and of the IM240 testing equipment. As a result of the groundwork laid during these hearings, the Committee on Commerce negotiated language which was included in the National Highway System Designation Act of 1995 that eliminated EPA's automatic 50 percent discount for decentralized or test-and-repair programs, and set up

an 18-month demonstration period for States to gather information on the effectiveness of alternative network designs and equipment types. That bill was signed into law on November 28, 1995 (Public Law 104-59).

On May 18, 1995, the Subcommittee on Oversight and Investigations held a hearing on Title V of the Clean Air Act. This title contains provisions, added by the 1990 Amendments, concerning permits. The Subcommittee received testimony concerning the complexity of Title V requirements and the substantial burden and uncertainty placed on facilities attempting to comply with changing regulatory requirements. While EPA promulgated a final rule to implement Title V on July 21, 1992, legal actions, which were initiated in response to this rule, resulted in the Agency proposing modifications to the rule on August 24, 1994, and a further announcement in January 1995, that EPA would begin work on an entirely new proposal. The Subcommittee received testimony from several different industries subject to Title V requirements as well as from the Environmental Protection Agency on the status of Title V implementation.

Following this hearing, EPA issued two "White Papers" designed to streamline the permit process and reduce implementation requirements and costs. The first White Paper was issued on July 10, 1995, in order to reduce the amount of information which industry must submit as part of a Title V permit. The second White Paper was issued on March 5, 1996, and sought to streamline multiple applicable permit requirements on the same emission unit or units, account for changing State Implementation Plan requirements, address insignificant emission units, provide for stipulation of major source status, and allow for cross-referencing of information in both permits and applications.

On June 7, 1995, the Subcommittee on Oversight and Investigations held a hearing on the Reformulated Gasoline program and implementation of Title II of the 1990 Clean Air Act Amendments. This hearing examined issues of the environmental benefits, price and health effects of reformulated gasoline as well as the ability of areas to "opt-out" of the program under the Clean Air Act.

On June 29 and July 21, 1995, the Subcommittee on Oversight and Investigations held 2 days of hearings on the implementation of Title III of the 1990 Clean Air Act Amendments, provisions concerning hazardous air pollutants. The Subcommittee received considerable testimony concerning the establishment of Maximum Achievable Control Technology (MACT) standards. The Subcommittee also reviewed and sent correspondence to EPA on multiple issues surrounding the implementation of Section 112(g) of the Clean Air Act, added by the 1990 Amendments. Significant concern was expressed by Members of the Subcommittee regarding the implementation of Section 112(g) and the possibility that individual facilities would be subject to differing control requirements under this section and other provisions of Title III.

In response to written inquiries from the Subcommittee, the Environmental Protection Agency indicated it would adopt a "new approach" to Section 112(g) and publish a new draft proposal. On March 18, 1996, EPA issued a draft final regulation on Section 112(g), limiting application of this section to the construction of

new facilities and the reconstruction of major sources. The draft rule proposed to eliminate Section 112(g) requirements with respect to modifications to existing facilities. On December 13, 1996, the EPA Administrator signed a final rule on Section 112(g).

On August 1, 1995, the Subcommittee on Oversight and Investigations held a hearing on the implementation of Title VI of the Clean Air Act, provisions concerning the stratospheric ozone layer. On January 25, 1996, the Subcommittee on Health and Environment held an additional hearing on the implementation of Title VI and the Impact of the Seventh Meeting of the Parties to the Montreal Protocol. Both hearings examined issues regarding the phaseout schedules for production and consumption of various substances considered to be "ozone depleters." In particular, both hearings devoted significant time to examining issues regarding the impending phaseout of methyl bromide, an agricultural fumigant used in the production, export and importation of a hundred different commodities.

On November 9, 1995, the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a joint hearing concerning Title I of the 1990 Clean Air Act Amendments and provisions respecting the establishment of National Ambient Air Quality Standards. The Subcommittees received testimony concerning possible alternative levels for setting the ozone standard and examined whether cost/benefit analysis should be explicitly part of the setting of the level of the standard. The Subcommittees continued their review of this issue through correspondence with the Agency. On May 31, 1996, EPA issued an Advanced Notice of Proposed Rulemaking on National Ambient Air Quality Standards for Ozone and Particulate Matter. On November 27, 1996, EPA announced its proposed rulemakings on ozone and particulate matter, and the proposals were published in the *Federal Register* on December 13, 1996. The Committee on Commerce plans to continue oversight of this matter as the regulatory process moves forward.

### SAFE DRINKING WATER ACT

The Subcommittee on Health and Environment held a hearing on Priorities for the Reauthorization of the Safe Drinking Water Act on January 31, 1996. Following this hearing, the Subcommittee engaged in bipartisan negotiations on legislation to reauthorize the Safe Drinking Water Act, resulting in an open markup session of the Subcommittee on Health and Environment on June 6, 1996, to consider a Subcommittee Print entitled the "Safe Drinking Water Act Amendments of 1996." The Subcommittee approved the introduction of a clean bill for Full Committee consideration and H.R. 3604 was introduced in the House on June 10, 1996. The Committee on Commerce reported H.R. 3604 to the House on June 24, 1996, and the bill passed the House on June 25, 1996. The provisions of H.R. 3604 were added to the Senate passed-companion bill, S. 1316, and following a conference with the Senate, the Safe Drinking Water Act Amendments of 1996 were enacted into law (Public Law 104-182).

The Safe Drinking Water Act Amendments of 1996 are the result of years of oversight by the Committee on Commerce, as well as

specific hearings to examine implementation problems occurring under the previous 1986 Safe Drinking Water Act Amendments. Over the years, the Committee received numerous reports and voluminous testimony supporting the need for: a more streamlined and flexible approach to controlling drinking water contamination consistent with continued protection of the public health; flexibility in the monitoring of contaminants; new financial assistance to help State and local governments comply with the requirements of the Safe Drinking Water Act; better training of water system operators; and attention to whether public water systems have the capacity to operate in compliance with the Act. The 1996 Amendments reflect a culmination of this oversight activity and are designed to make major changes to the method by which drinking water standards are established by the Environmental Protection Agency.

THE FEDERAL DRUG ADMINISTRATION'S APPROVAL PROCESS FOR MEDICAL DEVICES

On March 30, 1995, the Subcommittee on Oversight and Investigations began a series of hearings to examine the regulatory impact the Food and Drug Administration (FDA) has on the safety, health, and economic well-being of Americans and the adequacy of the governing statute, the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended. This first hearing focused on a consumer's perspective on medical devices, and dealt with conditions in the medical device market and how the regulatory process impacts patients, physicians, and the businesses that provide the technological advances on which all health and health care consumers depend. The hearing addressed the alleged connection between the FDA medical device regulatory system and delays in the availability of new products in the United States and the movement of U.S. medical device industry activities overseas.

On September 26, 1996, the Subcommittee on Oversight and Investigations held a hearing on Consumer Access to Home Testing Services and Devices to review FDA's policies with respect to home testing services and devices. In particular, the Subcommittee examined two regulatory issues relating to FDA's regulation of home-testing services and devices. The hearing dealt with the review of a non-invasive transcutaneous glucose monitor intended for the quantitative determination of blood glucose in diabetics, including some allegations of possible conflicts of interest on FDA advisory committees. The hearing also focused on parental access to drug-testing services and FDA's policy position in this area. FDA has asserted regulatory jurisdiction in this area on the basis that the specimen collection envelopes or cups mailed to the drug-testing laboratories are medical devices. Furthermore, FDA had opposed over-the-counter access to such products because test results might be incorrectly interpreted and improperly used, citing, in part, social and ethical concerns. Following the hearing, the Chairman of the Committee on Commerce, on September 27, 1996, sent letters to the President, the Secretary of Health and Human Services, and the Commissioner of the Food and Drug Administration with follow-up questions concerning the Administration's position with respect to home drug-testing. Responses were received on October 2

and October 3, 1996. The Full Committee Chairman sent follow-up letters on October 7 and 23, 1996. FDA responded on October 31, 1996.

In addition, the Subcommittee on Oversight and Investigations sent numerous written inquiries and document requests to FDA during the 104th Congress regarding its regulation of specific devices.

On February 27, 1996, the Subcommittee on Health and Environment held an oversight hearing on the need for FDA reform. Testimony was received from patients, medical experts, and industry representatives on a broad range of concerns including: problems of slow access to new products; restrictions on access to information about certain medical treatments; and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony and information presented at these hearings, H.R. 3201, the Medical Device Reform Act of 1996, was developed and introduced in the House. H.R. 3201 was the subject of two Subcommittee on Health and Environment legislative hearings on May 1 and May 2, 1996. In response to the concerns raised at these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress.

### REVIEW FDA'S APPROVAL PROCESS FOR DRUGS

### REVIEW FDA'S APPROVAL PROCESS FOR BIOLOGICS

On May 25, 1995, the Subcommittee on Oversight and Investigations continued its hearings examining the regulatory impact of the Food and Drug Administration (FDA). This hearing focused on a consumer's perspective on drugs and biologics. In particular, the hearing examined both the length and cost of these approval processes. The hearing addressed some apparent statistical improvements in FDA's review of new drug applications, but testimony also discussed concerns that some FDA regulatory practices were unnecessarily increasing the time and cost of the drug and biologic development process.

The Subcommittee on Oversight and Investigations held a hearing on June 19, 1995. to continue its review of the impact of the drug and biologic approval processes at the FDA on the American consumer. Witnesses at the hearing addressed the time and cost of the drug and biologic development process in the U.S. and cited their concerns about an adverse impact on both patients and the drug and biologics industry. The hearing also identified particular FDA policies and practices that witnesses thought could be improved.

In addition, the Subcommittee on Oversight and Investigations sent numerous written inquiries and document requests to FDA during the 104th Congress regarding its regulation of drugs and biologics.

On February 27, 1996, the Subcommittee on Health and Environment held an oversight hearing on the need for FDA reform. Testimony was received from patients, medical experts, and industry representatives on a broad range of concerns including: problems of slow access to new products; restrictions on access to information about certain medical treatments; and the loss of U.S. technology and jobs to other countries. Witnesses claimed that FDA is inefficient in the way it conducts its activities because of unnecessary statutory requirements, problems with agency management, and unnecessary caution.

As a result of the testimony and information presented at these hearings, H.R. 3199, the Drug and Biological Products Reform Act of 1996, was developed and introduced in the House. H.R. 3199 was the subject of two Subcommittee on Health and Environment legislative hearings on May 1 and May 2, 1996. In response to the concerns raised at these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress.

### REVIEW FDA'S FOOD ADDITIVES APPROVAL PROCESS

The General Accounting Office (GAO), at the request of the Subcommittee on Oversight and Investigations, prepared a draft analysis on Food and Drug Administration (FDA) data on petitions to market both direct and indirect food additives and color additives, as well as petitions for FDA affirmation that certain substances used in food are generally recognized as safe. The GAO analysis confirmed the concerns of the food industry and others that a large inventory of petitions, either under review or pending review, has existed for many years and that getting food additives into the marketplace takes considerable time. In addition, GAO found that the time it takes for a petition to complete review remains lengthy.

In addition, the Subcommittee on Oversight and Investigations sent several written inquiries and document requests to FDA during the 104th Congress regarding its regulation of specific food additives.

The FDA's food additive approval process was also one of the subjects considered during the Subcommittee on Health and Environment's February 27, 1996, hearing on the need for FDA reform. Food additives were also addressed in H.R. 3200, the Food Amendments and Animal Drug Availability Act of 1996, which was introduced in the House as a result of the testimony and information presented at these hearings. H.R. 3200 was the subject of two Subcommittee on Health and Environment legislative hearings on May 1 and May 2, 1996.

### REVIEW FDA'S EFFORTS TO MINIMIZE THE DANGER OF ARBITRARY AND UNFAIR ENFORCEMENT PRACTICES

On July 25, 1995, the Subcommittee on Oversight and Investigations held a hearing on allegations of Food and Drug Administration (FDA) abuses of authority. The hearing focused on FDA operations and procedures, and especially on allegations of abuses of power brought forward by witnesses on behalf of entities that are

currently, or possibly, subject to FDA regulation. Patients who believed they benefited from the products of three of the five entities represented also testified at the hearing about the consumer impact from the alleged acts.

On November 15, 1995, the Subcommittee on Oversight and Investigations continued its hearings on allegations of FDA abuses of authority. The hearing focused on FDA's responses to the allegations presented at the July 25, 1995, hearing. David Kessler, M.D., Commissioner of Food and Drugs, and several senior FDA officials, presented testimony.

On December 5, 1995, the Subcommittee on Oversight and Investigations continued the hearing begun on November 15, 1995, on allegations of FDA abuses of authority. The hearing again focused on FDA's responses to the allegations presented at the July 25, 1995, hearing. David Kessler, M.D., Commissioner of Food and Drugs, and several senior FDA officials, presented testimony.

The hearings focused on questions raised about the effectiveness, thoroughness, and fairness of FDA's current self-investigation system of industry complaints about alleged FDA employee misconduct.

In addition, the Subcommittee on Oversight and Investigations sent numerous written inquiries and document requests to FDA during the 104th Congress concerning allegations of abuses of FDA's authority and FDA employee misconduct.

### EVALUATE FDA PROGRAMS AFFECTING BIOTECHNOLOGY MEDICAL RESEARCH AND PRODUCTS

During the Subcommittee on Oversight and Investigations' two hearings on May 25 and June 19, 1995, on the Food and Drug Administration's (FDA's) approval process for drugs and biologics and the Subcommittee on Health and Environment's February 27, 1996, hearing on the need for FDA reform, the Subcommittees evaluated FDA programs and policies affecting biotechnology medical research and products. As a result of the testimony and information presented at those hearings, specific legislative provisions were incorporated into H.R. 3199, the Drug and Biological Products Reform Act of 1996, to reduce unnecessarily burdensome FDA regulations affecting biotechnology medical research and products. H.R. 3199 was the subject of two Subcommittee on Health and Environment legislative hearings on May 1 and May 2, 1996. In response to the concerns raised at these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress.

### EVALUATE FDA PROGRAMS AFFECTING BIOTECHNOLOGY FOOD RESEARCH AND PRODUCTS

The Subcommittee on Oversight and Investigations closely monitored the Food and Drug Administration's regulation of biotechnology food products in the 104th Congress and has sought to maintain an appropriate risk-based regulatory policy for these products. The Committee will continue to review this issue in the 105th Congress.

### EVALUATE NATIONAL INSTITUTES OF HEALTH PROGRAMS TO APPROVE BIOTECHNOLOGY-RELATED RESEARCH AND ITS DIFFUSION

In the 104th Congress, the Subcommittee on Oversight and Investigations reviewed the regulation of certain new biotechnology research by the National Institutes of Health Recombinant Advisory Committee and worked with the Subcommittee on Health and Environment to draft language for inclusion in H.R. 3199, the Drug and Biological Products Reform Act of 1996, that would eliminate unnecessary regulatory burdens imposed by this advisory committee. H.R. 3199 was the subject of two Subcommittee on Health and Environment legislative hearings on May 1 and May 2, 1996. In response to the concerns raised at these hearings, Committee Members and staff met with Administration and industry representatives in an effort to develop consensus legislation, but were unable to reach agreement before the adjournment of the 104th Congress. The Committee will continue to review this issue in the 105th Congress.

### EVALUATE ENVIRONMENTAL PROTECTION AGENCY (EPA) BIOTECHNOLOGY-RELATED REGULATORY AND RESEARCH PROGRAMS

In the 104th Congress, the Subcommittee on Oversight and Investigations followed the regulation of environmental products emerging from new biotechnology. The Subcommittee plans to conduct investigations, as appropriate, in the 105th Congress to ascertain if unnecessarily burdensome regulations of particular research and products exist and, if necessary, to work toward corrective Agency action or legislative remedies.

### EVALUATION OF THE DEPARTMENT OF AGRICULTURE'S BIOTECHNOLOGY RESEARCH

In the 104th Congress, the Subcommittee on Oversight and Investigations followed the regulation of environmental products emerging from new biotechnology. The Subcommittee plans to conduct investigations, as appropriate, in the 105th Congress to ascertain if unnecessarily burdensome regulations of particular research and products exist and, if necessary, to work toward corrective departmental action or legislative remedies.

## ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

### TRANSFORMATION OF THE MEDICAID PROGRAM

One of the major efforts of the Committee on Commerce in the 104th Congress was restructuring the Medicaid Program into a new program that would give States enhanced operational and administrative flexibility to implement new ideas and management techniques to better provide adequate and efficient health care to low-income individuals and families.

In the First Session of the 104th Congress, the Subcommittee on Health and Environment held six hearings, and received testimony from 64 witnesses, on the Transformation of the Medicaid Program and related Medicaid issues, including the Vaccines for Children Program. The focus of these hearings was to review the perform-

ance and alleged problems associated with the Medicaid Program and examine options for reform. The hearing dates were June 8, 1995; June 15, 1995; June 21, 1995; June 22, 1995; July 26, 1995; and August 1, 1995.

The Subcommittee on Health and Environment's June 8, 1995, hearing focused on the fiscal impact of the Medicaid Program on the States. The hearing explored how State budgets have been impacted by the Medicaid Program's expenditure growth and how States have sought to respond to the resulting fiscal pressures.

The Subcommittee's June 15, 1995, hearing focused on the Vaccines for Children (VFC) program. The hearing explored the history of the program, including its ability to increase the number of children vaccinated, the costs associated with this effort, and the manner in which the objective of universal childhood vaccination was undertaken. Testimony offered by representatives of the General Accounting Office focused on a recently published report calling the efficacy and efficiency of VFC into question.

On June 23, 1995, the Subcommittee held a third hearing which focused on the recent past history of the Medicaid Program. The hearing explored the evolution of expanded coverage provided by the program, the growth in costs associated with that expansion and other factors, and the Federal government's efforts to stem the growth in Medicaid expenditures, including the expedited approval of Section 1115 waiver applications submitted by States.

The Subcommittee's June 22, 1995, hearing continued the focus on Medicaid financing, the Section 1115 waiver process, and State experiences with Medicaid expenditure growth.

The Subcommittee held a fifth hearing on July 26, 1995, which focused on State efforts to improve the quality, effectiveness, and efficiency of the medical assistance programs they administer. The hearing explored Medicaid innovations undertaken by a number of States and health plans, as well as the program changes that would be necessary to expand the scope of such efforts nationwide.

Finally, the Subcommittee's August 1, 1995, hearing focused on a variety of perspectives on the Medicaid Program and its reform.

The information presented at these hearings formed the basis for a Committee Print, entitled "Transformation of the Medicaid Program," which was approved by the Full Committee on September 22, 1995, and transmitted to the Committee on the Budget for inclusion in H.R. 2491. The Medicaid provisions were retained in the House-Senate conference on H.R. 2491 and included in the bill vetoed by the President on December 6, 1995.

At the beginning of the Second Session, the National Governors Association (NGA) unanimously adopted a bipartisan proposal to restructure the Medicaid Program. The NGA proposal, adopted on February 6, 1996, replaces current Medicaid law with a new flexible program that allows States a combination of increased Federal funding and enhanced operational and administrative flexibility to implement new ideas and management techniques for providing those below the income poverty level with adequate and efficient health care.

The Full Committee on Commerce held two oversight hearings on the NGA Medicaid Restructuring Proposal. The first hearing was held on February 21, 1996. Witnesses included Governors of

the States of Michigan, Florida, Utah, Nevada, Wisconsin, and Colorado. The purpose of the hearing was to examine the process by which the Governors reached consensus and the manner in which their bipartisan proposal would enable them to improve the effectiveness and quality of their Medicaid programs.

The Full Committee held a follow-up hearing on the NGA Medicaid Restructuring Proposal on March 6, 1996. Witnesses at the second hearing included the Secretary of Health and Human Services, various health industry officials, and representatives of non-profit organizations. The purpose of this hearing was to receive testimony from the Administration and those in the health care industry concerning the NGA's Medicaid Restructuring Proposal.

On May 22, 1996, H.R. 3507, the Personal Responsibility and Work Opportunity Act of 1996, was introduced in the House. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on National Security, the Committee on International Relations, and the Committee on the Budget.

H.R. 3507 is a two-part bill providing for the reform and restructuring of the Welfare and Medicaid Programs. Division A deals with the nonmedical welfare provisions of current law. Division B, the Medicaid Restructuring Act of 1996, deals with the Medicaid Program and includes some of the Medicaid restructuring recommendations contained in the Unanimous Bipartisan National Governors Association Medicaid Restructuring Proposal adopted on February 6, 1996.

On June 11, 1996, the Committee on Commerce held a Full Committee legislative hearing on H.R. 3507. Witnesses at the hearing included the Secretary of Health and Human Services, and representatives of the Commonwealth of Virginia, the American Hospital Association, and the Long Term Care Campaign, a coalition of more than 140 national organizations representing long term care recipients and providers.

On June 13, 1996, the Full Committee approved and transmitted two Committee Prints pertaining to Medicaid Restructuring and Welfare Reform to the Committee on the Budget for inclusion in the FY 1997 Medicaid and Welfare Reform Act. These Committee Prints were largely based on the provisions of H.R. 3507 which fell within the jurisdiction of the Committee on Commerce.

The provisions of these two Committee Prints were included in the text of Title II of H.R. 3734, the Welfare and Medicaid Reform Act of 1996, as reported to the House by the Committee on the Budget on June 27, 1996 (H. Rpt. 104-651; H. Rpt. 104-651, Errata Report), but were greatly modified during House consideration and passage of H.R. 3734. H.R. 3734, renamed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, was eventually enacted into law on August 22, 1996 (Public Law 104-193).

THE FUTURE OF THE MEDICARE PROGRAM

The future of the Medicare Program and a method to provide sustainable funding for Medicare were also a top priority of the Committee on Commerce in the 104th Congress.

The Subcommittee on Health and Environment held a total of ten oversight hearings in the 104th Congress on the Medicare Program and Medicare-related issues. At the first hearing, held on February 15, 1995, the Subcommittee examined the Medicare Select Program and issues related to managed care. Testimony received at the hearing assisted the Committee in the development and enactment of legislation to extend the Medicare Select Program to all 50 States (H.R. 483; Public Law 104-18).

On March 14, 1995, the Subcommittee held a hearing on the extension of certain Medicare programs in the President's FY 96 budget. Testimony received at the hearing assisted the Committee in the development of H.R. 1217, the Medicare Parts B and C Administration Budget Savings Extension Act of 1995, which was reported to the House on March 23, 1995. The provisions of H.R. 1217 were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995.

On March 28, 1995, the Subcommittee held a hearing on the budgetary effects of the growth of health care entitlements, specifically Medicare and Medicaid.

On June 28, 1995, the Subcommittee on Health and Environment held the first in a series of four hearings on the Future of the Medicare Program. The focus of these hearings was to review the performance and alleged problems associated with the Medicare Program and examine options for reform. At the first hearing, the Subcommittee focused on the growth of Medicare spending in the portions of the Medicare Program under the jurisdiction of the Committee on Commerce. On July 12, 1995, the Subcommittee held the second hearing on the Medicare Program. The hearing focused on Medicare's payment policies for risk based maintenance organizations (HMOs). The Subcommittee held the third hearing on July 18, 1995, on the Medicare Program. The hearing focused on proposals to reform the Medicare Program. On August 3, 1995, the Subcommittee held the fourth hearing on the Future of the Medicare Program. The hearing focused on proposals to reform the Medicare Program, as well as Medicare issues in reconciliation.

In addition to these hearings, the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held 2 days of joint hearings on waste, fraud, and abuse in the Medicare Program on May 16, 1995, and July 19, 1995. Witnesses testified to the extent waste, fraud, and abuse are prevalent in the program and cited specific examples. Witnesses also addressed efforts being taken by the Federal government to combat waste, fraud, and abuse.

Finally, on July 27, 1995, the Subcommittee on Health and Environment held a joint hearing with the Committee on Ways and Means Subcommittee on Health on standards for health plans providing coverage in the Medicare Program. The purpose of the hearing was to examine the full range of standards currently applied

in the health care system, both public and private, with an emphasis on the unique needs and requirements of the Medicare Program, and whether additional health plans might seek to participate in the Medicare Program if additional options were provided.

Testimony received at these hearings assisted the Committee on Commerce in the development of H.R. 2425, the Medicare Preservation Act of 1995, which passed the House on October 19, 1995. The provisions of H.R. 2425 were also passed by the House as part of H.R. 2491 and included in the bill vetoed by the President on December 6, 1995.

### HEALTH CARE REFORM: REFORMING THE SMALL BUSINESS MARKETPLACE AND THE INDIVIDUAL HEALTH INSURANCE MARKET

The Subcommittee on Health and Environment held an oversight hearing on March 7, 1996, on health care reform and the problems of the small business marketplace and the individual health insurance market. The purpose of this hearing was to focus on the national problem of the small business market and its concentration of uninsured workers and their families.

Testimony received at the hearing assisted the Committee in the development of both H.R. 3070, the Health Coverage Availability and Affordability Act of 1996, which was reported to the House on March 25, 1996, and H.R. 3103, the Health Insurance Portability and Accountability Act of 1996, which was enacted into law (Public Law 104-191).

### REAUTHORIZATION OF EXISTING PUBLIC HEALTH SERVICE ACT PROGRAMS

On August 1, 1996, the Subcommittee on Health and Environment held a hearing on reauthorization of programs under the Public Health Service Act. Programs examined were Community Health Centers, Migrant Health Centers, Health Care for the Homeless, Health Services for Residents of Public Housing, and programs of the Substance Abuse and Mental Health Services Administration (SAMHSA).

Testimony received at the hearing provided the Committee with valuable information during House consideration of S. 1044, the Health Centers Consolidation Act of 1996, which was enacted into law as Public Law 104-299.

## TELECOMMUNICATIONS AND FINANCE ISSUES

### OVERSIGHT OF THE DERIVATIVE FINANCIAL MARKETS

In the 103d Congress, the then-Chairman of the Subcommittee on Telecommunications and Finance requested the General Accounting Office (GAO) to conduct a survey of users of derivative products, specifically focusing on the sales practices used by dealers in the derivatives markets. On May 18, 1994, GAO submitted a report entitled *Financial Derivatives: Actions Needed to Protect the Financial System.* Because of concerns that the GAO study (1) failed to take into account changes made by the voluntary sales guidelines adopted by industry and (2) was constructed in such a way that an objective and balanced outcome was unlikely, and in

order to obtain more balanced and complete information that would be useful to the Committee, the Chairman of the Committee on Commerce, in October 1995, requested that the GAO conduct a supplemental study to determine what benefits and business objectives users sought to achieve by purchasing derivative products. The Chairman also requested that the additional survey determine the effects of the voluntary sales guidelines adopted by the industry, and avoid using terms in the survey that would predetermine the outcome.

On a separate issue, in October of 1995, the Commodity Futures Trading Commission (CFTC) issued an order in the Metalgesellschaft case. Commission statements in the order appeared to remove existing exemptions for swaps from provisions of the Commodity Exchange Act. That decision imperiled the validity and enforceability of swaps contracts issued by U.S. dealers. Some observers suggested that the CFTC was attempting to sweep all privately negotiated swap contracts under its regulatory jurisdiction. There are currently some $12 trillion in notional principal amount of swaps contracts issued by U.S. dealers. If these privately negotiated contracts were to be brought under the ambit of the securities or commodities regulators, the incidental regulatory costs would drive most of the business offshore.

On December 15, 1995, the Chairman of the Committee on Commerce and the Chairman of the Committee on Agriculture sent a joint letter to the CFTC and asked them to clarify the intent of the order in the Metalgesellschaft case. Specifically, they asked if the CFTC had intended to articulate all of the elements of a futures contract. On January 19, 1996, the CFTC responded, and indicated that it had not intended to articulate all the elements of a futures contract. The CFTC further stated that any uncertainty in the swaps market created by the order was unintentional. This clarification served to end the confusion in the markets that had resulted from the order, and also served to reassure dealers that they could continue to enter into these agreements without the fear of excessive regulatory cost.

The Committee on Commerce will continue to monitor the derivative financial markets in the 105th Congress.

### OVERSIGHT OF THE MUNICIPAL SECURITIES MARKETS

The Committee on Commerce held a Full Committee oversight hearing on January 12, 1995, on Developments in Municipal Finance Disclosure. On December 8, 1994, Orange County, California, and the "Orange County Investment Pools," a common fund of county monies maintained for investment, filed for bankruptcy under Chapter 9 of the Federal Bankruptcy Code. These filings began the largest municipal bankruptcy in the nation's history.

The purpose of the Full Committee hearing was to examine (1) the adequacy of disclosure by municipal securities issuers of material events that impact the value of their securities, and (2) the development of rules and systems to avoid situations similar to the events in Orange County, California, in the future. The hearing focused on the current state of municipal securities disclosure regulation and whether regulatory or legislative action was necessary to improve investor protection.

OVERSIGHT OF THE SEC CAPACITY TO PERFORM MARKET TECHNOLOGY OVERSIGHT

The Subcommittee on Telecommunications and Finance held 3 days of hearings on H.R. 2131, the Capital Markets Deregulation and Liberalization Act of 1995, on November 14, November 30, and December 5, 1995. Testimony was presented at those hearings on the Securities and Exchange Commission's (SEC's) Electronic Data Gathering and Retrieval (EDGAR) system and the need to privatize all or a portion of that system. In addition, Representative Frisa prepared a report on the EDGAR system for the Subcommittee, analyzing possible approaches to privatizing the system.

The testimony and information presented at the hearings assisted the Committee in the development of legislative language which was incorporated into H.R. 3005, the National Securities Markets Improvement Act of 1996, and enacted into law (Public Law 104-290). Specifically, that Act includes a provision directing the SEC to examine proposals for the privatization of the EDGAR system to promote competition in the automation and rapid collection and dissemination of information required to be disclosed. The Act also requires the SEC to submit to Congress a report on this examination no later than 180 days after the date of enactment.

HEARINGS ON PHASE II OF THE NATIONAL MARKET SYSTEM (FUTURE STRUCTURAL CHANGE OF THE OVER-THE-COUNTER STOCK MARKET)

On April 23, 1996, and June 23, 1996, the Chairman of the Committee on Commerce sent letters to the Chairman of the Securities and Exchange Commission requesting information about two rulemaking proposals published by the Commission on September 29, 1995 (Order Execution Obligations) containing four separate rules. These rulemaking proposals would have dramatically altered the over-the-counter stock market by imposing new requirements and restrictions on the way in which brokers execute stock transaction orders. On June 5, 1996, the SEC responded to the Committee's April 23, 1996, inquiry.

On August 28, 1996, the Securities and Exchange Commission adopted one of the proposals, the Display Rule, and amended the second rule proposal, the Quote Rule, to eliminate certain provisions that were highly controversial within the brokerage community. A third proposal, the Naqcess Rules, remains outstanding, not yet having been adopted by the Commission.

PERSONAL COMMUNICATIONS SERVICES (SPECTRUM POLICY)

The Committee is abundantly aware of the importance that sound spectrum policy, including the use of competitive bidding (spectrum auctions) to award licenses, has on the telecommunications industry, and unfortunately, on the budgetary considerations of the Congress. The Subcommittee on Telecommunications and Finance spent a considerable amount of time this Congress analyzing general Federal Communications Commission (FCC) auction policy and specific FCC actions. The specific issue of Personal Communications Services (PCS) and the related PCS spectrum auctions repeatedly came up throughout the Subcommittee's oversight process.

The success of the PCS and other spectrum auctions, in terms of efficiency and revenue returns to the Federal government, provided valuable information to the Subcommittee as it designed future spectrum auction authority and oversaw the FCC'S implementation of its authority to conduct spectrum auctions. Consequently, early in the 104th Congress, the Committee on Commerce reported H.R. 1218, a bill to extend the FCC's competitive bidding authority for an additional 2 years, to the House for consideration. The provisions of that bill were incorporated into the text of H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, which passed the House on April 5, 1995.

On September 7, 1995, the Subcommittee on Telecommunications and Finance held an oversight hearing on the use of the radio spectrum by the Federal government, focusing on the Federal spectrum management activities of the Department of Commerce's National Telecommunications and Information Administration (NTIA). This hearing provided useful information to the Committee with respect to the difficulty the Federal government has in releasing spectrum primarily used by the Federal government to the public sector. Such information is helpful as the Committee studies the amount of spectrum available in the marketplace and the impact of the PCS and other auctions held since 1994. Witnesses at the hearing also discussed the spectrum needs of the Federal government in relation to its current allocation of spectrum.

As a result of this hearing, on September 13, 1995, the Committee on Commerce approved a Committee Print, entitled "Communications: Spectrum Auctions," and transmitted it to the Committee on the Budget for inclusion in H.R. 2491. The spectrum auction provisions have three main goals: (1) extend current FCC auction authority to the year 2002; (2) release an additional 20 MHz of federal government spectrum to the private sector; and (3) require the FCC to reallocate 100 MHz of spectrum located below 3 gigahertz not previously designated for auction or for reallocation by the NTIA for more efficient purposes. The spectrum auction provisions were retained during the House-Senate conference on H.R. 2491 and included in the bill vetoed by the President on December 6, 1995.

During the consideration of Telecommunications Act of 1996 (Public Law 104-104), the Committee on Conference could not reach a resolution on provisions setting guidelines for awarding digital television licenses by the FCC. As a result, the provisions were included in the law with the understanding that the Committee on Commerce would hold a hearing to review the appropriateness of the provisions and a corresponding letter would be sent to the Chairman of the Federal Communications Commission expressing interest in reviewing these provisions before the FCC took final action. Accordingly, on January 31, 1996, such a letter was sent to Chairman Hundt.

On March 21, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on the use and management of the electromagnetic spectrum as it relates to awarding licenses for advanced television services (ATV). Subsequently, a majority of the signatories from the January 31, 1996, letter sent an additional letter to Chairman Hundt on June 19, 1996, to inform the FCC of

the March 21, 1996, hearing and to express their collective view that the FCC should move forward as expeditiously as possible on its plan to award a second license to television broadcasters for the transition to digital television.

In addition, the Committee on Commerce sent numerous letters to the Chairman and Commissioners of the FCC seeking clarification and expressing views regarding FCC policy in certain circumstances.

### IMPLEMENTATION OF THE CABLE CONSUMER PROTECTION AND COMPETITION ACT OF 1992

The Subcommittee on Telecommunications and Finance held 3 days of hearings on May 10, May 11, and May 12, 1995, on legislation to reform and amend the Nation's telecommunications laws. Witnesses at the hearing testified with respect to problems that existed with respect to the implementation of the Cable and Consumer Protection Act of 1992 that they believed needed to be addressed.

The testimony and information presented at the hearings assisted the Committee in the development of legislative language which was incorporated into the Telecommunications Act of 1996 and enacted into law (Public Law 104-104). Specifically, Title III of Public Law 104-104, entitled "Cable Services," implements numerous reforms and modifications to the provisions contained in the 1992 Cable Act. For example, the Act sunsets FCC regulation of the upper-tier of cable systems, often referred to as the cable programming services tier, on March 31, 1999. In addition, the Act broadens the definition of when a cable system has "effective competition" to include competition created by local telephone companies providing video programming services.

### AUTHORIZATION OF THE CORPORATION FOR PUBLIC BROADCASTING

On September 12, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on the future of public broadcasting. The hearing focused on how to accomplish the goal of ending Federal appropriations for public broadcasting while ensuring its ability to fulfill its traditional missions. The hearing also considered what level of Federal funding is necessary to maintain viability and how long that funding should continue; problems within the public broadcasting community; legislative and regulatory restrictions that require change; and ways of promoting efficiencies on all levels of public broadcasting.

The hearing was the basis for the introduction of H.R. 2979, the Public Broadcasting Self-Sufficiency Act of 1996, in the House on February 28, 1996. On February 29, 1996, the Subcommittee on Telecommunications and Finance held a legislative hearing on H.R. 2979. The bill's main goal is to provide public broadcasters with more flexibility in their operations, including additional ways of raising revenue through earned income opportunities, while moving the public broadcasting system towards financial self-sufficiency. The bill also eliminates many statutory restrictions imposed on the Corporation for Public Broadcasting (CPB) and establishes a na-

tional trust fund to replace Federal appropriations by Fiscal Year 2000.

No further action was taken on the legislation in the 104th Congress.

## ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

### FEDERAL COMMUNICATIONS COMMISSION REFORM

On March 27 and 28, 1996, the Subcommittee on Telecommunications and Finance held 2 days of oversight hearings on reform of the Federal Communications Commission (FCC). The hearing provided Members with the opportunity to examine the broad issue of the Commission's role and structure in the future and whether or not the Commission is currently operating at maximum efficiency. Testimony received at these hearings assisted the Subcommittee on Telecommunications and Finance during its consideration of H.R. 3957, the FCC Modernization Act of 1996, which it approved for Full Committee consideration on September 12, 1996.

### IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

On July 18, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on Federal Communications Commission (FCC) implementation of the Telecommunications Act of 1996, signed into law on February 8, 1996. The purpose of the hearing was to determine if the FCC is meeting the deadlines imposed by the Act and if the FCC is adhering to the statute.

### RESTRUCTURING OF INTERNATIONAL SATELLITE ORGANIZATIONS

In May of 1996, the Chairman of the Committee on Commerce requested that the General Accounting Office (GAO) conduct a study and report on the competitive impact of: (1) possible alternative approaches to reforming INTELSAT and Inmarsat; (2) an Inmarsat affiliate company, formed in 1994 to provide new services; and (3) proposals for restructuring INTELSAT. On July 8, 1996, the GAO submitted a report to the Committee on Commerce entitled *Competitive Impact of Restructuring the International Satellite Organizations.*

On September 25, 1996, the Subcommittee on Telecommunications and Finance held an oversight hearing on the restructuring of international satellite organizations (ISOs), INTELSAT and Inmarsat. Witnesses included representatives from the Federal Government, private satellite telecommunications providers, and Comsat, the U.S. signatory to both Inmarsat and INTELSAT. The focus of this hearing was to hear testimony on the proposals and efforts to restructure INTELSAT and Inmarsat, and on how competition can be brought to international satellite communications.

The Committee on Commerce plans to continue its examination of international satellite organizations in the 105th Congress and whether legislation is necessary to promote competition in this area.

# SUMMARY

## 104TH CONGRESS OVERSIGHT PLAN

Of the 52 issues listed in the Committee on Commerce's Oversight Plan, the Committee addressed more than 80 percent in the 104th Congress. Thirty-six were addressed through one or more specific oversight or legislative hearings. Two were the subject of document or information requests to the General Accounting Office or the pertinent agencies. Department or agency action on four of these issues is currently being monitored by the Committee and will continue to be reviewed to ascertain if unnecessarily burdensome regulations exist and if legislative remedies are warranted. In addition, the Committee on Commerce worked directly with the Committee on Resources to develop and expedite the legislation that was enacted into law to provide for the export of Alaska North Slope crude oil.

For a more detailed description and the legislative history of each of these items, see the discussions contained in the individual Subcommittee sections of this report.

## ADDITIONAL OVERSIGHT ACTIVITIES

In addition to the issues identified in Oversight Plan, the Committee on Commerce also conducted oversight hearings in the 104th Congress on a number of major issues that were not identified in the Oversight Plan when it was adopted in February of 1995.

In the environmental area, eight oversight hearings were held addressing specific areas of the Superfund Program. These hearings led to the introduction of legislation, two legislative hearings, and 4 days of Subcommittee markup resulting in the approval of legislation for Full Committee consideration.

In the health area, the Committee focused its attention on: (1) protecting the health care needs of the Nation's senior citizens by ensuring that the Medicare Program was fiscally sound, and (2) restructuring the Medicaid Program to give States flexibility to implement new ideas and management techniques to better provide adequate and efficient health care to low-income individuals and families. A total of ten oversight hearings was held on the Medicare Program and Medicare-related issues. These hearings led to House passage of the Medicare Preservation Act of 1995, which was vetoed by the President. Eight oversight hearings and one legislative hearing were held on the Medicaid Program, resulting in the inclusion of Medicaid reforms in Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

In the telecommunications area, the Committee held two oversight hearings on the need for reform and modernization of the Federal Communications Commission (FCC), which resulted in the introduction of legislation that was subsequently marked up by the Subcommittee on Telecommunications and Finance and approved for Full Committee consideration. An oversight hearing was also held on the implementation of the Telecommunications Act of 1996, the most sweeping reform of telecommunications law in over 60

years, to ensure that the FCC was implementing the law in a manner that was consistent with Congressional intent. In response to a report prepared by the General Accounting Office at the Committee's request, an oversight hearing was held on restructuring of international satellite organizations.

In the energy area, in response to press accounts and allegations of inappropriate expenses and undocumented spending incurred by the Office of the Secretary of the Department of Energy (DOE) in connection with several international DOE trade missions, the Committee held seven oversight hearings focusing on the Department of Energy. These hearings revealed that serious financial management problems, in fact, did exist at DOE. As a result of these hearings, DOE re-examined $523,000 in undocumented spending charges from the trade missions, and is now protesting $117,000 in charges. In addition, the Secretary promised not to go on any more trade missions until the Inspector General and the General Accounting Office agreed that DOE has implemented needed reforms to the acquisition of aircraft for trade missions, which was the bulk of the cost of the trade missions. DOE implemented these reform procedures on July 31, 1996.

Additional oversight hearings were also held in the energy area on the implementation of the Corporate Average Fuel Economy (CAFE) standards and the development of tritium production sources for the Department of Energy defense nuclear facilities.

For a more detailed description and the legislative history of each of these items, see the discussions contained in the individual Subcommittee sections of this report.

## CONCLUSION

In conclusion, as a result of the actions taken pursuant to the Committee on Commerce's oversight agenda for the 104th Congress, the Committee made great strides towards achieving its goal of creating a more effective, less expensive, and more accountable government that better serves all Americans.

# APPENDIX I

## LEGISLATIVE ACTIVITIES

### COMMITTEE ON COMMERCE

*Summary of Committee Activities*

| | |
|---|---|
| Total Bills Referred to Committee | 810 |
| Public Laws | 65 |
| Bills Reported to the House | 65 |
| Hearings Held: | |
| Days of Hearings | 167 |
| Full Committee | 4 |
| Subcommittee on Commerce, Trade, and Hazardous Materials | 33 |
| Subcommittee on Energy and Power | 40 |
| Subcommittee on Health and Environment | 33 |
| Subcommittee on Telecommunications and Finance | 25 |
| Subcommittee on Oversight and Investigations | 32 |
| Hours of Sitting | 617 |
| Full Committee | 15 |
| Subcommittee on Commerce, Trade, and Hazardous Materials | 101 |
| Subcommittee on Energy and Power | 122 |
| Subcommittee on Health and Environment | 144 |
| Subcommittee on Telecommunications and Finance | 129 |
| Subcommittee on Oversight and Investigations | 106 |
| Legislative Markups: | |
| Days of Markups | 70 |
| Full Committee | 39 |
| Subcommittee on Commerce, Trade, and Hazardous Materials | 11 |
| Subcommittee on Energy and Power | 4 |
| Subcommittee on Health and Environment | 9 |
| Subcommittee on Telecommunications and Finance | 7 |
| Hours of Sitting | 200 |
| Full Committee | 144 |
| Subcommittee on Commerce, Trade, and Hazardous Materials | 28 |
| Subcommittee on Energy and Power | 5 |
| Subcommittee on Health and Environment | 6 |
| Subcommittee on Telecommunications and Finance | 17 |
| Executive Sessions: | |
| Number of Meetings | 0 |
| Hours of Sitting | 0 |

# APPENDIX II

## FULL COMMITTEE MEMBERSHIP CHANGES

During the 104th Congress, the size and the membership of the Committee on Commerce changed a number of times. This Appendix sets forth those changes.

When the 104th Congress convened on January 4, 1995, the House of Representatives passed, by voice votes, three resolutions (H. Res. 11, H. Res. 12, and H. Res. 13) designating the membership of the standing Committees. Pursuant to the adoption of these resolutions, the size of the Committee on Commerce was set at 46 Members, 25 Republicans and 21 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
W.J. "BILLY" TAUZIN, Louisiana
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan

In addition, Representative Steve Largent of Oklahoma was assigned by the Republican Conference to the Committee on Commerce for seniority purposes (after Mr. Cox) but served on the Committee on the Budget for 104th Congress.

The Democratic Caucus placed Representative Cardiss Collins of Illinois and Representative Bill Richardson of New Mexico on sabbatical leave from the Committee on Commerce for 104th Congress, or until such time as a vacancy occurred.

On May 10, 1995, the House of Representatives passed H. Res. 143 by a voice vote. This resolution elected Representative Nathan Deal of Georgia to the Committee on Commerce, and reflected Representative Deal's switch to the Republican Party. The election of Representative Deal to the Committee on Commerce also increased the size of the Committee to 47 Members, 26 Republicans and 21 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
W.J. "BILLY" TAUZIN, Louisiana
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan

When Representative Deal was elected to the Committee on Commerce, Representative Largent's listing for seniority purposes was changed to after Mr. Deal rather than after Mr. Cox.

On September 12, 1995, the House of Representatives passed H. Res. 217 by a voice vote. This resolution elected Representative W.J. "Billy" Tauzin of Louisiana as a Republican Member of the Committee on Commerce, and reflected Representative Tauzin's switch to the Republican Party. The election of Representative Tauzin to the Committee on Commerce as a Republican Member also increased the size of the Committee to 48 Members, 27 Republicans and 21 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
(Vacancy)

On September 27, 1995, the House of Representatives passed H. Res. 229 by a voice vote. This resolution elected Representative Cardiss Collins of Illinois and Representative Bill Richardson of New Mexico to the Committee on Commerce. Both Representative Collins and Representative Richardson had served on the Committee previously and had been on sabbatical leave from the Committee on Commerce since the beginning of the 104th Congress. The election of Representative Collins and Representative Richardson to the Committee on Commerce increased the size of the Committee to 49 Members, 27 Republicans and 22 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois
RON WYDEN, Oregon
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan

On February 6, 1996, Representative Ron Wyden of Oregon resigned as a Member of the House of Representatives and was subsequently sworn in as a United States Senator on that same date. Representative Wyden's resignation from the House resulted in a vacancy in the Democratic membership of the Committee on Commerce. The size of the Committee on Commerce was not affected, and the membership of the Committee remained at 27 Republicans and 22 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
(Vacancy)

Finally, on April 22, 1996, the House of Representatives passed H. Res. 408 by a voice vote. This resolution elected Representative Eliot L. Engel of New York to the Committee on Commerce. The election of Representative Engel to the Committee on Commerce filled the vacancy created by the resignation of Representative Wyden. The size of the Committee remained at 49 Members, 27 Republicans and 22 Democrats, as follows:

THOMAS J. BLILEY, JR., Virginia, *Chairman*

CARLOS J. MOORHEAD, California, *Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
JACK FIELDS, Texas
MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
CARDISS COLLINS, Illinois
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
ELIOT L. ENGEL, New York

The changes in the size and membership of the Committee on Commerce in the 104th Congress resulted in corresponding changes in the size and membership of the Committee's five subcommittees. For a complete listing of the subcommittee changes in the 104th Congress, see Appendix III of this report.

# APPENDIX III

## SUBCOMMITTEE MEMBERSHIP CHANGES

During the 104th Congress, the size, ratios, and memberships of the Committee on Commerce's five standing subcommittees changed a number of times. This Appendix sets forth those changes.

At the Committee on Commerce Organizational Meeting for the 104th Congress on January 10, 1995, the Committee adopted, by voice votes, five committee resolutions designating the jurisdiction, chairmen, vice chairmen, ratios, and membership of the Committee's five standing subcommittees, as follows:

### SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 15-12)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
JOHN D. DINGELL, Michigan
(Ex Officio)

## SUBCOMMITTEE ON COMMERCE, TRADE, AND HAZARDOUS MATERIALS

(Ratio 12-10)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
FRED UPTON, Michigan
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

W.J. "BILLY" TAUZIN, Louisiana
ELIZABETH FURSE, Oregon
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
JOHN D. DINGELL, Michigan
(Ex Officio)

## SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
RON KLINK, Pennsylvania
BART STUPAK, Michigan
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Energy and Power

(Ratio 12-10)

DAN SCHAEFER, Colorado, *Chairman*

GARY A. FRANKS, Connecticut
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New Jersey
W.J. "BILLY" TAUZIN, Louisiana
BART GORDON, Tennessee
PETER DEUTSCH, Florida
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Oversight and Investigations

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

JOHN D. DINGELL, Michigan
ELIZABETH FURSE, Oregon
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
BART STUPAK, Michigan
BART GORDON, Tennessee

On February 7, 1995, the Committee on Commerce, by a voice vote, adopted a committee resolution offered by Mr. Dingell to amend the Democratic membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. This resolution reflected a ruling of the House Democratic Caucus that a Full Committee Ranking Minority Member may not also serve as the Ranking Minority Member of a subcommittee and made changes in the Democratic subcommittee assignments.

The adoption of this committee resolution changed the membership of the Committee's five standing subcommittees, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 15-12)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Commerce, Trade, and Hazardous Materials

(Ratio 12-10)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
FRED UPTON, Michigan
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

W.J. "BILLY" TAUZIN, Louisiana
ELIZABETH FURSE, Oregon
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Health and Environment

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, Jr., New Jersey
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 12-10)

DAN SCHAEFER, Colorado, *Chairman*

GARY A. FRANKS, Connecticut
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New Jersey
W.J. "BILLY" TAUZIN, Louisiana
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
THOMAS J. MANTON, New York
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

RON WYDEN, Oregon
HENRY A. WAXMAN, California
ELIZABETH FURSE, Oregon
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
JOHN D. DINGELL, Michigan
(Ex Officio)

On May 16, 1995, the Committee on Commerce adopted, by voice votes, two committee resolutions. The first resolution, offered by Mr. Fields, amended the size and ratios of the standing subcommittees of the Committee on Commerce for the 104th Congress. The second resolution, offered by Mr. Schaefer, amended the membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. Both resolutions reflected the election of Representative Nathan Deal of Georgia to the Committee on Commerce, pursuant to H. Res. 143, which passed the House on May 10, 1995.

On May 16, 1995, the Committee on Commerce also agreed to a unanimous consent request by Mr. Dingell to amend the Schaefer committee resolution to assign Ms. Furse as a temporary member to the Subcommittee on Telecommunications and Finance and to assign Mr. Rush as a temporary member to the Subcommittee on Commerce, Trade, and Hazardous Materials.

The adoption of these two committee resolutions and the unanimous consent request changed the size, ratios, and membership of the Committee's five standing subcommittees, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 16-13)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Commerce, Trade, and Hazardous Materials

(Ratio 14-11)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
FRED UPTON, Michigan
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

W.J. "BILLY" TAUZIN, Louisiana
ELIZABETH FURSE, Oregon
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
BOBBY L. RUSH, Illinois
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Health and Environment

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
RON WYDEN, Oregon
RALPH M. HALL, Texas
JOHN BRYANT, Texas
EDOLPHUS TOWNS, New York
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, Jr., New Jersey
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 13-10)

DAN SCHAEFER, Colorado, *Chairman*

GARY A. FRANKS, Connecticut
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New Jersey
W.J. "BILLY" TAUZIN, Louisiana
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
THOMAS J. MANTON, New York
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

RON WYDEN, Oregon
HENRY A. WAXMAN, California
ELIZABETH FURSE, Oregon
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
JOHN D. DINGELL, Michigan
(Ex Officio)

On June 16, 1995, the Committee on Commerce agreed to a unanimous consent request by Mr. Dingell to make the temporary assignments of Ms. Furse to the Subcommittee on Telecommunications and Finance and Mr. Rush to the Subcommittee on Commerce, Trade, and Hazardous Materials, agreed to on May 16, 1995, permanent for the remainder of the 104th Congress.

On October 25, 1995, the Committee on Commerce adopted, by voice votes, two committee resolutions offered by Mr. Moorhead. The first resolution amended the size and ratios of the standing subcommittees of the Committee on Commerce for the 104th Congress. The second resolution amended the membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. Both resolutions reflected the election of Representative W.J. "Billy" Tauzin of Louisiana as a Republican Member of the Committee on Commerce, pursuant to H. Res. 217, which passed the House on September 12, 1995; the election of Representatives Cardiss Collins and Bill Richardson to the Committee on Commerce, pursuant to H. Res. 229, which passed the House on September 27, 1995; and the change in the Full Committee ratio.

In addition, the second resolution designated Mr. Crapo as the Vice Chairman of the Subcommittee on Energy and Power in lieu of Mr. Franks.

The adoption of these two committee resolutions changed the size, ratios, and membership of the Committee's five standing subcommittees, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 17-14)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
W.J. "BILLY" TAUZIN, Louisiana
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
CARDISS COLLINS, Illinois
BILL RICHARDSON, New Mexico
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Commerce, Trade, and Hazardous Materials

(Ratio 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
FRED UPTON, Michigan
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

RON WYDEN, Oregon
EDWARD J. MARKEY, Massachusetts
THOMAS J. MANTON, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BART STUPAK, Michigan
BILL RICHARDSON, New Mexico
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Health and Environment

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
EDOLPHUS TOWNS, New York
RON WYDEN, Oregon
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
GERRY E. STUDDS, Massachusetts
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Energy and Power

(Ratio 14-11)

DAN SCHAEFER, Colorado, *Chairman*

MICHAEL D. CRAPO, Idaho
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
GARY A. FRANKS, Connecticut
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New Jersey
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
THOMAS J. MANTON, New York
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Oversight and Investigations

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

PETER DEUTSCH, Florida
HENRY A. WAXMAN, California
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

On February 6, 1996, Representative Ron Wyden of Oregon resigned as a Member of the House of Representatives and was subsequently sworn in as a United States Senator on that same date. Representative Wyden's resignation from the House resulted in a vacancy in the Democratic membership of the Committee on Commerce, and consequently, vacancies in the Democratic membership of the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and Environment. These subcommittee vacancies existed until May 16, 1996.

On March 20, 1996, the Committee on Commerce adopted, by a voice vote, a committee resolution offered by Mr. Oxley to amend the membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. The resolution made a change in the assignment of Republican Members to the Subcommittee on Commerce, Trade, and Hazardous Materials, by assigning Representative Nathan Deal to a seat on that subcommittee in lieu of the seat previously held by Representative Charlie Norwood.

The adoption of this committee resolution changed the membership of the Subcommittee on Commerce, Trade, and Hazardous Materials, as follows:

SUBCOMMITTEE ON COMMERCE, TRADE, AND HAZARDOUS MATERIALS

(Ratio 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
FRED UPTON, Michigan
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

(Vacant)
EDWARD J. MARKEY, Massachusetts
THOMAS J. MANTON, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BART STUPAK, Michigan
BILL RICHARDSON, New Mexico
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

On May 15, 1996, the Committee on Commerce, by a voice vote, adopted a committee resolution offered by Mr. Dingell to amend the Democratic membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. This resolution reflected the election of Representative Eliot L. Engel of New York to the Committee on Commerce, pursuant to H. Res. 408, which passed the House on April 22, 1996, and filled the Subcommittee vacancies created by the resignation of Representative Ron Wyden on February 6, 1996.

The adoption of this committee resolution changed the membership of the Committee's five standing subcommittees, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 17-14)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
W.J. "BILLY" TAUZIN, Louisiana
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
JOHN BRYANT, Texas
RICK BOUCHER, Virginia
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
CARDISS COLLINS, Illinois
BILL RICHARDSON, New Mexico
ELIOT L. ENGEL, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Commerce, Trade, and Hazardous Materials

(Ratio 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

JACK FIELDS, Texas
*Vice Chairman*
W.J. "BILLY" TAUZIN, Louisiana
FRED UPTON, Michigan
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
DAN FRISA, New York
RICK WHITE, Washington
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

THOMAS J. MANTON, New York
EDWARD J. MARKEY, Massachusetts
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BART STUPAK, Michigan
BILL RICHARDSON, New Mexico
PETER DEUTSCH, Florida
ELIOT L. ENGEL, New York
BOBBY L. RUSH, Illinois
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Health and Environment

(Ratio 15-12)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
*Vice Chairman*
JOE BARTON, Texas
FRED UPTON, Michigan
CLIFF STEARNS, Florida
SCOTT L. KLUG, Wisconsin
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

HENRY A. WAXMAN, California
SHERROD BROWN, Ohio
BLANCHE LAMBERT LINCOLN, Arkansas
PETER DEUTSCH, Florida
BART STUPAK, Michigan
EDOLPHUS TOWNS, New York
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
JOHN BRYANT, Texas
GERRY E. STUDDS, Massachusetts
FRANK PALLONE, Jr., New Jersey
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Energy and Power

(Ratio 14-11)

DAN SCHAEFER, Colorado, *Chairman*

MICHAEL D. CRAPO, Idaho
*Vice Chairman*
CARLOS J. MOORHEAD, California
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
GARY A. FRANKS, Connecticut
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

FRANK PALLONE, Jr., New Jersey
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
BOBBY L. RUSH, Illinois
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
THOMAS J. MANTON, New York
BART GORDON, Tennessee
PETER DEUTSCH, Florida
BART STUPAK, Michigan
JOHN D. DINGELL, Michigan
(Ex Officio)

## Subcommittee on Oversight and Investigations

(Ratio 8-6)

JOE BARTON, Texas, *Chairman*

CHRISTOPHER COX, California
*Vice Chairman*
GARY A. FRANKS, Connecticut
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
DAN FRISA, New York
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
ANNA G. ESHOO, California
ELIZABETH FURSE, Oregon
ELIOT L. ENGEL, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

On September 19, 1996, the Committee on Commerce agreed to a unanimous consent request by Mr. Dingell to amend the membership of the standing subcommittees of the Committee on Commerce for the 104th Congress. The resolution made a change in the assignment of Democratic Members to the Subcommittee on Telecommunications and Finance, by assigning Representative Thomas J. Manton to a seat on that subcommittee in lieu of the seat previously held by Representative John Bryant.

The adoption of this committee resolution changed the membership of the Subcommittee on Telecommunications and Finance, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

(Ratio 17-14)

JACK FIELDS, Texas, *Chairman*

MICHAEL G. OXLEY, Ohio
*Vice Chairman*
CARLOS J. MOORHEAD, California
W.J. "BILLY" TAUZIN, Louisiana
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
CLIFF STEARNS, Florida
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
DAN FRISA, New York
RICK WHITE, Washington
TOM COBURN, Oklahoma
THOMAS J. BLILEY, Jr., Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
RICK BOUCHER, Virginia
GERRY E. STUDDS, Massachusetts
BART GORDON, Tennessee
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
CARDISS COLLINS, Illinois
BILL RICHARDSON, New Mexico
ELIOT L. ENGEL, New York
THOMAS J. MANTON, New York
JOHN D. DINGELL, Michigan
(Ex Officio)

# APPENDIX IV

This list includes: (1) legislation on which the Commerce Committee acted directly; (2) legislation developed through Commerce Committee participation in House-Senate conferences; and (3) legislation which included provisions within the Committee's jurisdiction that resulted from prior Commerce Committee action.

Public Laws: 65

| Public Law | Date Approved | Bill | Title |
|---|---|---|---|
| 104-6 | 4/10/95 | H.R. 889 | Emergency Supplemental Appropriations and Recessions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995. (Includes provisions amending the Clean Air Act with respect to Federal Implementation Plans required under the Act.) |
| 104-18 | 7/7/95 | H.R. 483 | An Act to amend the Omnibus Budget Reconciliation Act of 1990 to permit Medicare select policies to be offered in all States. |
| 104-55 | 11/20/95 | H.R. 436 | Edible Oil Regulatory Reform Act. |
| 104-58 | 11/28/95 | S. 395 | Alaska Power Administration Asset Sale and Termination Act. |
| 104-59 | 11/28/95 | S. 440 | National Highway System Designation Act of 1995. (Includes provisions amending the Clean Air Act with respect to the Inspection and Maintenance Program.) |
| 104-62 | 12/8/95 | H.R. 2519 | Philanthropy Protection Act of 1995. |
| 104-67 | Veto overridden. 12/22/95 | H.R. 1058 | Private Securities Litigation Reform Act of 1995. |
| 104-70 | 12/23/95 | H.R. 325 | An Act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes. |
| 104-73 | 12/26/95 | H.R. 1747 | Federally Supported Health Centers Assistance Act of 1995. |
| 104-87 | 12/29/95 | H.R. 1878 | An Act to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan. |
| 104-104 | 2/8/96 | S. 652 | Telecommunications Act of 1996. |
| 104-106 | 2/10/96 | S. 1124 | National Defense Authorization Act for Fiscal Year 1996. (Includes provisions relating to miscellaneous energy issues, health issues, and environmental issues.) |
| 104-113 | 3/07/96 | H.R. 2196 | National Technology Transfer and Advancement Act of 1995. (Includes provisions amending the Fastener Quality Act.) |
| 104-119 | 3/26/96 | H.R. 2036 | Land Disposal Program Flexibility Act of 1996. |
| 104-121 | 3/29/96 | H.R. 3136 | Contract with America Advancement Act of 1996. (Includes provisions providing regulatory reform and Congressional review with respect to departments and agencies under the Committee's jurisdiction, and provisions relating to miscellaneous health issues.) |
| 104-124 | 4/1/96 | H.R. 1787 | An Act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement. |
| 104-128 | 4/9/96 | H.R. 2969 | Federal Tea Tasters Repeal Act of 1996. |
| 104-134 | 4/26/96 | H.R. 3019 | Omnibus Consolidated Rescissions and Appropriations Act of 1996. (Includes provisions relating to the privatization of the United States Enrichment Corporation and miscellaneous health issues.) |
| 104-142 | 5/13/96 | H.R. 2024 | Mercury-Containing and Rechargeable Battery Management Act. |
| 104-146 | 5/20/96 | S. 641 | Ryan White CARE Act Amendments of 1996. |
| 104-152 | 7/2/96 | H.R. 2803 | Anti-Car Theft Improvements Act of 1996. (Includes provisions amending the Anti-Car Theft Act of 1992.) |
| 104-166 | 7/29/96 | H.R. 248 | An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes. |
| 104-170 | 8/3/96 | H.R. 1627 | Food Quality Protection Act of 1996. |

Public Laws: 65—Continued

| Public Law | Date Approved | Bill | Title |
|---|---|---|---|
| 104-173 | 8/6/96 | H.R. 1051 | An Act to provide for the extension of certain hydroelectric projects located in the State of West Virginia. |
| 104-182 | 8/6/96 | S. 1316 | Safe Drinking Water Act Amendments of 1996. |
| 104-183 | 8/6/96 | S. 1757 | Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996. |
| 104-191 | 8/21/96 | H.R. 3103 | Health Insurance Portability and Accountability Act of 1996. |
| 104-193 | 8/22/96 | H.R. 3734 | Personal Responsibility and Work Opportunity Reconciliation Act of 1996. (Includes welfare-related issues under the Committee's jurisdiction.) |
| 104-201 | 9/23/96 | H.R. 3230 | National Defense Authorization Act for Fiscal Year 1997. (Includes provisions relating to the Waste Isolation Pilot Plant Land Withdrawal Act; the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); the National Petroleum Reserve; electricity demonstration projects; and miscellaneous health issues.) |
| 104-204 | 9/26/96 | H.R. 3666 | Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997. (Includes provisions relating to Mental Health Parity and Newborns' and Mothers' Health Protection.) |
| 104-208 | 9/30/96 | H.R. 3610 | Omnibus Consolidated Appropriations Act, 1997. (Includes provisions relating to miscellaneous communications, energy, health, and securities issues.) |
| 104-216 | 10/1/96 | H.R. 3553 | Federal Trade Commission Reauthorization Act of 1996. |
| 104-224 | 10/2/96 | H.R. 2366 | An Act to repeal an unnecessary medical device reporting requirement. |
| 104-226 | 10/2/96 | H.R. 2685 | An Act to repeal the Medicare and Medicaid Coverage Data Bank. |
| 104-237 | 10/3/96 | S. 1965 | Comprehensive Methamphetamine Control Act of 1996. |
| 104-240 | 10/8/96 | H.R. 3056 | An Act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county. |
| 104-241 | 10/9/96 | H.R. 657 | An Act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas. |
| 104-242 | 10/9/96 | H.R. 680 | An Act to extend the time for construction of certain FERC licensed hydro projects. |
| 104-243 | 10/9/96 | H.R. 1011 | An Act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio. |
| 104-244 | 10/9/96 | H.R. 1014 | An Act to authorize extension of time limitation for a FERC-issued hydroelectric license. |
| 104-245 | 10/9/96 | H.R. 1290 | An Act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes. |
| 104-246 | 10/9/96 | H.R. 1335 | An Act to provide for the extension of a hydroelectric project located in the State of West Virginia. |
| 104-247 | 10/9/96 | H.R. 1366 | An Act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project. |
| 104-248 | 10/9/96 | H.R. 1791 | An Act to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services. |
| 104-249 | 10/9/96 | H.R. 2501 | An Act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes. |
| 104-250 | 10/9/96 | H.R. 2508 | Animal Drug Availability Act of 1996. |
| 104-252 | 10/9/96 | H.R. 2630 | An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois. |
| 104-254 | 10/9/96 | H.R. 2695 | An Act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania. |
| 104-256 | 10/9/96 | H.R. 2773 | An Act to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes. |
| 104-257 | 10/9/96 | H.R. 2816 | An Act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes. |

Public Laws: 65—Continued

| Public Law | Date Approved | Bill | Title |
|---|---|---|---|
| 104-258 | 10/9/96 | H.R. 2869 | An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky. |
| 104-259 | 10/9/96 | H.R. 2967 | An Act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes. |
| 104-260 | 10/9/96 | H.R. 2988 | An Act to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules. |
| 104-264 | 10/9/96 | H.R. 3539 | Federal Aviation Reauthorization Act of 1996. (Includes provisions amending the Clean Air Act and the Noise Control Act.) |
| 104-267 | 10/9/96 | H.R. 3871 | An Act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations. |
| 104-272 | 10/9/96 | H.R. 4167 | Professional Boxing Safety Act of 1996. |
| 104-284 | 10/11/96 | H.R. 1514 | Propane Education and Research Act of 1996. |
| 104-288 | 10/11/96 | H.R. 2579 | United States National Tourism Organization Act of 1996. |
| 104-290 | 10/11/96 | H.R. 3005 | National Securities Markets Improvement Act of 1996. |
| 104-299 | 10/11/96 | S. 1044 | Health Centers Consolidation Act of 1996. |
| 104-304 | 10/12/96 | S. 1505 | Accountable Pipeline Safety and Partnership Act of 1996. |
| 104-305 | 10/13/96 | H.R. 4137 | Drug-Induced Rape Prevention and Punishment Act of 1996. |
| 104-306 | 10/14/96 | H.R. 4083 | An Act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997. |
| 104-313 | 10/19/96 | H.R. 3378 | Indian Health Care Improvement Technical Corrections Act of 1996. |
| 104-315 | 10/19/96 | H.R. 3632 | An Act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition. |

# APPENDIX V

## PART A

### Printed Hearings of the Committee on Commerce

| Serial No. | Hearing title | Hearing date(s) |
|---|---|---|
| 104-1 | Developments in Municipal Finance Disclosure. (Full Committee.) | January 12, 1995 |
| 104-2 | February 10, 1995 Common Sense Legal Reform Act. (H.R. 10, Title II.) (Subcommittee on Telecommunications and Finance.). | January 19, 1995 |
| 104-3 | Risk Assessment and Cost/Benefit Analysis for New Regulations. H.R. 9, Title III. (Joint Hearing Held by the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Health and Environment.). | February 1, 1995, February 2, 1995 |
| 104-4 | DOE Proposed FY 1996 Budget. (Subcommittee on Energy and Power.) | February 8, 1995 |
| 104-5 | Implementation and Enforcement of Clean Air Act Amendments of 1990. (Subcommittee on Oversight and Investigations.). | February 9, 1995, March 16, 1995 |
| 104-6 | Medicare Select and Medicare Managed Care Issues. (Subcommittee on Health and Environment.). | February 15, 1995 |
| 104-7 | Common Sense Product Liability Reform Act. (H.R. 917.) (Subcommittee on Commerce, Trade, and Hazardous Materials.). | February 21, 1995 |
| 104-8 | Privatization of the U.S. Enrichment Corporation. (Subcommittee on Energy and Power.). | February 24, 1995 |
| 104-9 | Trade Implication of Foreign Ownership Restrictions on Telecommunications Companies. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | March 3, 1995 |
| 104-10 | Reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. (Subcommittee on Energy and Power.). | March 9, 1995 |
| 104-11 | Medicare Extenders in the President's Fiscal Year 1996 Budget. (Subcommittee on Health and Environment.). | March 14, 1995 |
| 104-12 | Superfund Reauthorization. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | March 16, 1995 |
| 104-13 | International Global Climate Change Negotiations. (Subcommittee on Energy and Power.). | March 21, 1995, May 19, 1995 |
| 104-14 | Flow Control Measures and Interstate Transportation of Solid Waste. Flow Control Measures. (H.R. 1085, H.R. 1180, H.R. 225, and H.R. 342.) Interstate Transportation of Solid Waste. (H.R. 1180, H.R. 603, H.R. 1249, and H.R. 225.) (Subcommittee on Commerce, Trade, and Hazardous Materials.). | March 23, 1995 |
| 104-15 | The Texas Low-Level Radioactive Waste Disposal Compact. (H.R. 558.) (Subcommittee on Energy and Power.). | May 11, 1995 |
| 104-16 | Clean Air Act Amendments. (Subcommittee on Oversight and Investigations.) | March 23, 1995, March 24, 1995 |
| 104-17 | Budgetary Effects of the Growth of Health Care Entitlements. (Subcommittee on Health and Environment.). | March 28, 1995 |
| 104-18 | A Consumer's Perspective on Medical Devices. (Subcommittee on Oversight and Investigations.). | March 30, 1995 |
| 104-19 | Reauthorization of the Ryan White CARE Act. (Subcommittee on Health and Environment.). | April 5, 1995 |
| 104-20 | Reducing Explosive Characteristics of Ammonium Nitrate Fertilizer. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 22, 1995 |
| 104-21 | Waste, Fraud and Abuse in the Medicare Program. (Joint Hearing held by the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations.). | May 16, 1995 |
| 104-22 | HIV Testing of Women and Infants. (Subcommittee on Health and Environment.) | May 11, 1995 |
| 104-23 | Drugs and Biologics. (Subcommittee on Oversight and Investigations.) | May 25, 1995, June 19, 1995 |
| 104-24 | High-Level Nuclear Waste Policy. (H.R. 1020, H.R. 496, H.R. 1032, H.R. 1174, and H.R. 1924.) (Subcommittee on Energy and Power.). | June 28, 1995, June 30, 1995, July 12, 1995 |

Printed Hearings of the Committee on Commerce—Continued

| Serial No. | Hearing title | Hearing date(s) |
|---|---|---|
| 104-25 | Clean Air Act Amendments. (Subcommittee on Oversight and Investigations.) Title II—Reformulated Gasoline Program.. | June 7, 1995 |
| 104-26 | Waste, Fraud and Abuse in the Medicare Program (Part 2). (Joint Hearing held by the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations.). | July 19, 1995 |
| 104-27 | Reorganization of the Department of Energy. (Subcommittee on Energy and Power.) .... | June 21, 1995 |
| 104-28 | Reauthorization of the Federal Communications Commission. (H.R. 1869.) (Subcommittee on Telecommunications and Finance.). | June 19, 1995 |
| 104-29 | Future of Alternative Fuels. (Subcommittee on Energy and Power.) ..... | June 6, 1995 |
| 104-30 | Superfund Reauthorization (Part 2). Remedy Selection; State Role, Voluntary Cleanups, and Brownfields Redevelopment; and Natural Resource Damages. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 23, 1995, June 15, 1995, June 20, 1995 |
| 104-31 | Waste Isolation Pilot Plant Land Withdrawal Amendments Act. (H.R. 1663.) (Subcommittee on Energy and Power.). | July 21, 1995 |
| 104-32 | Clean Air Act Amendments. Title V—Permits. (Subcommittee on Oversight and Investigations.). | May 18, 1995 |
| 104-33 | The Financial Services Competitiveness Act of 1995. (H.R. 1062.) (Joint Hearing held by the Subcommittee on Telecommunications and Finance and the Subcommittee on Commerce, Trade, and Hazardous Materials.). | June 6, 1995, June 8, 1995 |
| 104-34 | Communications Law Reform. (H.R. 1555, H.R. 514, H.R. 912, and H.R. 1556.) (Subcommittee on Telecommunications and Finance.). | May 10, 1995, May 11, 1995, May 12, 1995 |
| 104-35 | Federal Management of the Radio Spectrum. (Subcommittee on Telecommunications and Finance.). | September 7, 1995 |
| 104-36 | Insurance State's and Consumer's Rights Clarification and Fair Competition Act. H.R. 1317. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 22, 1995 |
| 104-37 | The Future of Public Broadcasting. (Subcommittee on Telecommunications and Finance.). | September 12, 1995 |
| 104-38 | The Philanthropy Protection Act of 1995. H.R. 2519. (Subcommittee on Telecommunications and Finance.). | October 31, 1995 |
| 104-39 | RCRA Corrective Action Cleanup Program. H.R. 1696 and H.R. 2036. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | July 20, 1995 |
| 104-40 | Hydroelectric License Extensions. (H.R. 657, H.R. 680, H.R. 1011, H.R. 1014, H.R. 1051, H.R. 1290, H.R. 1335, H.R. 1366, and H.R. 1835.) (Subcommittee on Energy and Power.). | October 18, 1995 |
| 104-41 | The Investment Company Act Amendments of 1995. H.R. 1495. (Subcommittee on Telecommunications and Finance.). | October 31, 1995 |
| 104-42 | Implementation of Corporate Average Fuel Economy (CAFE) Standards. (Subcommittee on Energy and Power.). | July 24, 1995 |
| 104-43 | Competition in the Cellular Telephone Service Industry. (Subcommittee on Oversight and Investigations.). | October 12, 1995 |
| 104-44 | Privatization of the Naval Petroleum Reserve. (Subcommittee on Energy and Power.) ... | September 8, 1995 |
| 104-45 | Oversight Hearing on Environmental Remediation at DOE Facilities. (Subcommittee on Energy and Power.). | October 31, 1995 |
| 104-46 | Privatization of the Federal Power Marketing Administrations. (H.R. 1801 and H.R. 1122.) (Subcommittee on Energy and Power.). | July 19, 1995 |
| 104-47 | Oversight Hearing on Tritium Production. (Subcommittee on Energy and Power.) ..... | November 15, 1995 |
| 104-48 | Department of Commerce Dismantling Act of 1995. H.R. 1756 (Joint Hearing held by the Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance.). | July 24, 1995 |
| 104-49 | Reauthorization of the Energy Policy and Conservation Act of 1995. (H.R. 2596.) (Subcommittee on Energy and Power.). | November 9, 1995 |
| 104-50 | Capital Markets Deregulation and Liberalization Act of 1995. H.R. 2131. (Subcommittee on Telecommunications and Finance.). | November 14, 1995, November 30, 1995, December 5, 1995 |
| 104-51 | Allegations of FDA Abuses of Authority. (Subcommittee on Oversight and Investigations.). | July 25, 1995, November 15, 1995, December 5, 1995 |
| 104-52 | Clean Air Act Amendments. Title VI—Ozone Depleting Substances. (Subcommittee on Oversight and Investigations.). | August 1, 1995 |
| 104-53 | Clean Air Act Amendments. Title III—Hazardous Air Pollutants. (Subcommittee on Oversight and Investigations.). | June 29, 1995, July 21, 1995 |
| 104-54 | Superfund Reauthorization. (Part 3) Financing and Liability Issues. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | June 22, 1995, July 18, 1995 |

Printed Hearings of the Committee on Commerce—Continued

| Serial No. | Hearing title | Hearing date(s) |
|---|---|---|
| 104-55 | Clean Air Act Amendments. Title I—National Ambient Air Quality Standards. (Joint Hearing Held by the Subcommittee on Oversight and Investigations and the Subcommittee on Health and Environment.). | November 9, 1995 |
| 104-56 | Department of Energy: Misuse of Federal Funds. (Joint Hearing held by the Subcommittee on Oversight and Investigations and the Subcommittee on Energy and Power.). | November 17, 1995 |
| 104-57 | Priorities for the Reauthorization of the Safe Drinking Water Act. (Subcommittee on Health and Environment.). | January 31, 1996 |
| 104-58 | The Public Broadcasting Self-Sufficiency Act of 1996. H.R. 2979. (Subcommittee on Telecommunications and Finance.). | February 29, 1996 |
| 104-59 | Reform of Superfund Act of 1995. H.R. 2500. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | October 18, 1995, October 26, 1995 |
| 104-60 | Cancer Patient Access to Unapproved Treatments. (Subcommittee on Oversight and Investigations.). | February 29, 1996 |
| 104-61 | The Securities and Exchange Commission Reauthorization Act of 1996. H.R. 2972. (Subcommittee on Telecommunications and Finance.). | February 28, 1996 |
| 104-62 | The Securities and Exchange Commission Report Entitled: The Regulation of Public Utility Holding Companies. (Subcommittee on Energy and Power and the Subcommittee on Telecommunications and Finance.). | August 4, 1995, October 13, 1995 |
| 104-63 | The Propane Education and Research Act of 1995. H.R. 1514. (Subcommittee on Energy and Power.). | October 26, 1995 |
| 104-64 | Travel and Tourism Partnership Act. H.R. 2579. (Joint Hearing with the Subcommittee on Commerce, Trade, and Hazardous Materials and the Committee on International Relations Subcommittee on International Economic Policy and Trade.). | January 24, 1996 |
| 104-65 | Oversight Hearing on the Public Utility Regulatory Policies Act and Its Role in Increasingly Competitive Electricity Markets. (Subcommittee on Energy and Power.). | February 1, 1996 |
| 104-66 | Authorization of the Uranium Mill Tailings Radiation Control Act. H.R. 2967. (Subcommittee on Energy and Power.). | February 28, 1996 |
| 104-67 | Oversight Hearing on the Pacific Northwest Power System. (Subcommittee on Energy and Power.). | December 6, 1995 |
| 104-68 | Research Efforts with Respect to Combating Parkinson's Disease and Other Neurological Disorders. (Subcommittee on Health and Environment.). | July 21, 1995 |
| 104-69 | Clean Air Act Amendments of 1990 and the Impact of the Seventh Meeting of the Parties to the Montreal Protocol. (Subcommittee on Health and Environment.). | January 25, 1996 |
| 104-70 | The Federal Energy Regulatory Commission's Proposed Rules Affecting the Electricity Industry. (Subcommittee on Energy and Power.). | November 2, 1995 |
| 104-71 | Standards for Health Plans Providing Coverage in the Medicare Program. (Joint Hearing with the Subcommittee on Health and Environment and the Committee on Ways and Means Subcommittee on Health.). | July 27, 1995 |
| 104-72 | The Future of the Medicare Program. (Subcommittee on Health and Environment.) ..... | June 28, 1995, July 12, 1995, July 18, 1995, August 3, 1995 |
| 104-73 | Department of Energy: Travel Expenditures and Related Issues. (Subcommittee on Oversight and Investigations.). | January 4, 1996, March 8, 1996 |
| 104-74 | Rechargeable Battery Act. H.R. 2024 and S. 619. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | March 21, 1996 |
| 104-75 | Federal Management of the Radio Spectrum: Advanced Television Services. (Subcommittee on Telecommunications and Finance.). | March 21, 1996 |
| 104-76 | Food Quality Protection Act of 1995. H.R. 1627. (Subcommittee on Health and Environment.). | June 7, 1995, June 29, 1995 |
| 104-77 | The Need for FDA Reform. (Subcommittee on Health and Environment.) ..... | February 27, 1996 |
| 104-78 | Department of Energy: Furloughs and Financial Management. (Subcommittee on Oversight and Investigations.). | March 27, 1996 |
| 104-79 | Health Care Reform: Reforming the Small Business Marketplace and the Individual Health Insurance Market. (Subcommittee on Health and Environment.). | March 7, 1996 |
| 104-80 | Department of Energy: Travel Expenditures and Related Issues (Part 2). (Subcommittee on Oversight and Investigations.). | April 24, 1996 |
| 104-81 | Armored Car Industry Reciprocity Improvement Act of 1996. H.R. 3431. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 22, 1996 |
| 104-82 | Reform of the Federal Communications Commission. (Subcommittee on Telecommunications and Finance.). | March 27, 1996, March 28, 1996 |
| 104-83 | The Federal Government's Role in Promoting Natural Gas Vehicles. (Subcommittee on Oversight and Investigations.). | May 30, 1996 |

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| 104-85 | Department of Energy's Proposed Budget for Fiscal Year 1997. (Subcommittee on Energy and Power.). | March 22, 1996 |
| 104-86 | Federal Trade Commission Reauthorization Act of 1996 and Made in America Toll-Free Number. H.R. 3553 and H.R. 447. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | July 11, 1996 |
| 104-87 | Reauthorization of the Consumer Product Safety Commission. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | March 29, 1996 |
| 104-88 | Oversight Hearing on the Pacific Northwest Power System. (Subcommittee on Energy and Power.). | June 18, 1996 |
| 104-89 | Future of International Telecommunications Trade Issues. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 9, 1996 |
| 104-90 | The Future of the Strategic Petroleum Reserve. (Subcommittee on Energy and Power.) | May 8, 1996 |
| 104-91 | Electricity: State of the States. (Subcommittee on Energy and Power.) ..... | February 27, 1996 |
| 104-92 | Federal Energy Regulatory Commission's Final Rule on Open Access Transmission and the Future of Electric Utility Regulation. (Subcommittee on Energy and Power.). | May 1, 1996 |
| 104-93 | FDA Integrity Issues. (Subcommittee on Oversight and Investigations.) ..... | July 31, 1966 |
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| 104-95 | Electricity Regulation: A Vision for the Future. (Subcommittee on Energy and Power.) .. | May 15, 1996 |
| 104-96 | Progress of the Department of Energy's Strategic Alignment and Downsizing Initiative. (Subcommittee on Energy and Power.). | June 12, 1996 |
| 104-97 | Department of Energy: Travel Expenditures and Related Issues (Part 3). (Subcommittee on Oversight and Investigations.). | June 12, 1996, June 13, 1996 |
| 104-98 | Implementation of the Telecommunications Act of 1996. (Subcommittee on Telecommunications and Finance.). | July 18, 1996 |
| 104-99 | FDA Reform Legislation. H.R. 3199, H.R. 3200 and H.R. 3201. (Subcommittee on Health and Environment.). | May 1, 1996, May 2, 1996 |
| 104-100 | The Professional Boxing Safety Act. H.R. 1186 and S. 187. (Joint Hearing held by the Subcommittee on Commerce, Trade, and Hazardous Materials and the Committee on Economic and Educational Opportunities Subcommittee on Workforce Protections.). | June 11, 1996 |
| 104-101 | Amendments to the Leaking Underground Storage Tank Program. H.R. 3391. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | July 26, 1996 |
| 104-102 | The Personal Responsibility and Work Opportunity Act of 1996. H.R. 3507. (Full Committee.). | June 11, 1996 |
| 104-103 | The Unanimous Bipartisan National Governors Association Agreement on Medicaid. (Full Committee.). | February 21, 1996, March 6, 1996 |
| 104-104 | Fan Freedom and Community Protection Act of 1995. H.R. 2740. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | May 16, 1996 |
| 104-105 | Environmental Compliance Problems Facing Dry Cleaners. (Subcommittee on Oversight and Investigations.). | September 13, 1996 |
| 104-106 | Transformation of the Medicaid Program—Part 1. (Subcommittee on Health and Environment.). | June 8, 1995, June 15, 1995 |
| 104-107 | Transformation of the Medicaid Program—Part 2. (Subcommittee on Health and Environment. | June 21, 1995, June 22, 1995 |
| 104-108 | Transformation of the Medicaid Program—Part 3. (Subcommittee on Health and Environment. | July 26, 1995, August 1, 1995 |
| 104-109 | Federal Barriers to Environmental Cleanups. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | September 16, 1996 |
| 104-110 | Contract Issues and Quality Standards for Managed Care. (Subcommittee on Health and Environment.). | May 30, 1996 |
| 104-111 | Restructuring of International Satellite Organizations. (Subcommittee on Telecommunications and Finance.). | September 25, 1996 |
| 104-112 | The National Motor Vehicle Safety, Anti-Theft, Title Reform and Consumer Protection Act of 1995. H.R. 2900. (Subcommittee on Commerce, Trade, and Hazardous Materials.). | September 12, 1996 |
| 104-113 | Perspectives on Pharmaceutical Pricing Practices. (Subcommittee on Oversight and Investigations.). | September 19, 1996 |
| 104-114 | Oversight Hearing on the Nuclear Regulatory Commission. (Subcommittee on Energy and Power.). | September 5, 1996 |
| 104-115 | The Uniformed Services Medicare Subvention Demonstration Project Act. H.R. 3412. (Subcommittee on Health and Environment.). | September 19, 1996 |

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| 104-116 | Reauthorization of Existing Public Health Service Act Programs. (Subcommittee on Health and Environment.). | August 1, 1996 |
| 104-117 | Consumer Access to Home Testing Services and Devices. (Subcommittee on Oversight and Investigations.). | September 26, 1996 |
| 104-118 | Federal Energy Efficiency Standards for Consumer Products. (Subcommittee on Energy and Power.). | July 25, 1996 |
| 104-119 | Status of the International Global Climate Change Negotiations. (Subcommittee on Energy and Power.). | June 19, 1996, September 26, 1996 |

## PART B

Committee Prints

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| 104-A | Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Consumer Protection Law. (Full Committee.) |
| 104-B | Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Food, Drug, and Related Law. (Full Committee.) |
| 104-C | Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Communications Law. (Full Committee.) |
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| 104-G | Compilation of Selected Energy Related Legislation—Electricity. (Full Committee.) |
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