

SCIENCE AND TECHNOLOGY

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space held oversight hearings on the implementation of the Department of Commerce science and technology programs, receiving testimony from Ronald H. Brown, Secretary of Commerce, Mary Lowe Good, Under Secretary for Technology Policy, D. James Baker, Under Secretary for Oceans and Atmosphere, and Arati Prabhakar, Director, National Institute of Standards and Technology, all of the Department of Commerce.

Hearings were recessed subject to call.

U.S. SAVINGS AND INVESTMENT

Committee on Finance: Committee held hearings to examine the factors that affect savings in the United States economy and the importance of savings on economic growth and productivity, receiving testimony from Gail Makinen, Specialist in Economic Policy, Congressional Research Service, Library of Congress; Robert Risner, Northwestern University, Evanston, Illinois; and Dale Jorgenson, Harvard University, Cambridge, Massachusetts.

Committee will meet again on Thursday, February 2.

START II TREATY

Committee on Foreign Relations: Committee concluded hearings on the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the START II Treaty) signed at Moscow on January 3, 1993, including the following documents, which are

integral parts thereof: the Elimination and Conversion Protocol, the Exhibitions and Inspections Protocol, and the Memorandum of Attribution (Treaty Doc. 103-1), after receiving testimony from Warren Christopher, Secretary of State; Linton F. Brooks, Chief Negotiator for the United States to the START II Negotiations; and John D. Holum, Director, United States Arms Control and Disarmament Agency.

BANKING LAW REFORM: D'OENCH DUHME DOCTRINE

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management and the District of Columbia held oversight hearings to examine the use by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation of the D'Oench Duhme doctrine to prevent citizens from seeking redress for legitimate claims against failed banks, receiving testimony from William M. Dudley, Vice President (Atlanta, Georgia), and Mark Hileman, Counsel, both of the Resolution Trust Corporation; John F. Bovenzi, Director, Division of Depositor and Asset Services, Federal Deposit Insurance Corporation; Michael P. Malloy, Fordham University School of Law, Bronx, New York; J. Michael Echevarria, Southwestern University School of Law, Los Angeles, California; David S. Hess, Citizens and Business for D'Oench Duhme Reform, Arlington, Virginia; Michael C. McLaughlin, Lane & Altman, Boston, Massachusetts; and Rhetta B. Sweeney, Hamilton, Massachusetts.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: Seventeen public bills, H.R. 748-764; one private bill, H.R. 765; and one resolution, H. Res. 54, were introduced. **Pages H969-70**

Reports Filed: The following reports were filed as follows:

H. Res. 51, providing for the consideration of H.R. 101, to provide for the transfer of a parcel of land to the Taos Pueblo Indians of New Mexico (H. Rept. 104-12);

H. Res. 52, providing for the consideration of H.R. 400, the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995 (H. Rept. 104-13); and

H. Res. 53, providing for a conveyance of lands to certain individuals in Butte County, California (H. Rept. 104-14). **Page H954**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Gillmor to act as Speaker pro tempore for today. **Page H891**

Recess: House recessed at 10:18 a.m. and reconvened at 11 a.m. **Page H897**

Committee Hearings: House agreed to H. Res. 43, to amend clause 2(g)(3) of the House Rule XI to permit committee chairmen to schedule hearings. Subsequently, H. Res. 47, the rule providing for the consideration of H. Res. 43, was laid on the table. **Pages H902-06**

Agreed to the Solomon amendment that provides that, in order to schedule a hearing in less than seven days, the chairman of the committee must have either the concurrence of the ranking minority member of the committee or a majority vote of that committee, with a quorum being present for the transaction of business.

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Unfunded Mandate Reform: House continued consideration of H.R. 5, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates in the private sector; but came to no resolution thereon. Consideration of amendments will resume on Wednesday, February 1.

Pages H906-54

Agreed To:

The Schiff amendment, as modified, that deletes language establishing a new Commission on Unfunded Federal Mandates; eliminates language designating new duties for that Commission; eliminates the \$1 million that had been authorized for that Commission to perform those duties; and requires the review of unfunded State mandates imposed on local governments, the private sector, and individuals to be conducted by the existing Advisory Commission on Intergovernmental Relations;

Pages H908, H914

Agreed to the following three amendments to the Schiff amendment, as modified:

The Burton of Indiana amendment that adds language to provide that the Advisory Commission on Intergovernmental Relations study the impact of unfunded Federal mandates on the private sector;

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The Riggs amendment that requires the Advisory Commission to give the highest priority to investigating, reviewing, and making recommendations regarding unfunded Federal mandates which are subject to litigation between the Federal Government and a State, local, or tribal government; and

Page H913

The Traficant amendment that provides that the Commission include in its considerations the effects of unfunded mandates on working men and women.

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Agreed To:

The Waxman amendment that provides that all Federal agencies that issue regulations seek the testimony from concerned citizens as well as testimony from State and local governments when considering proposed new regulations;

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The Moran amendment that provides that Federal agencies, in cases where their rulemaking record in-

dicates that there are two or more methods that could be used to accomplish the objectives of a particular regulation containing Federal mandates, choose the option which is least costly and burdensome to State, local and tribal governments or to the private sector; or publish an explanation with the final regulation detailing why that agency chose the more costly method of applying the Federal mandate;

Page H917

The Moran amendment that provides that agencies not currently subject to judicial review would not become subject to such review solely as the result of their actions to comply with procedural requirements of provisions; that judicial review would occur in a single court that has jurisdiction over judicial review of the substantive agency action involved; that, when administrative remedies have been exhausted and judicial review is required, determinations would be governed by rules that currently control judicial review of the substantive agency action; and that a stay could not be imposed due an alleged violation of provisions;

Page H922

The Pryce amendment that requires the Office of Management and Budget to report to Congress annually on compliance by Federal agencies with provisions for assessing the costs of mandates in their regulations;

Page H923

The Allard amendment that provides that before a Federal agency can impose an unfunded mandate on the States, it must cite a specific Federal statute that allows it to do so;

Page H924

The Traficant amendment that provides that Federal agency analyses regarding significant regulatory actions must include information about the effects of any private sector mandates on workers' benefits and pensions;

Page H926

The Portman amendment that provides that congressional committees must include in their reports on Federal mandates legislation a statement on the degree to which Federal mandates affect the public and private sectors; a description of any actions taken by the committee to avoid adverse impacts on the competitive balance between the two; and the extent to which limiting or eliminating any intergovernmental mandates or eliminating any Federal funding provided to cover their cost would affect this competitive balance;

Page H933

The Peterson of Minnesota amendment that lowers the cost threshold at which the Congressional Budget Office would be required to prepare a detailed cost estimate for legislation containing Federal mandates on the private sector;

Page H937

The Waxman amendment that provides that requirements for a CBO cost estimate on intergovernmental mandates contained in legislation could be waived if CBO determines that it is infeasible to

make a reasonable estimate for that particular legislation; Page H940

The Hayes en bloc amendment that expands the requirements for Federal agencies to prepare a detailed analysis of regulations which may result in compliance costs of \$100 million or more; and that such an analysis would have to be prepared for any regulation that may result in the net elimination of 10,000 jobs; Page H942

The Dreier amendment, as amended by the Moakley amendment, that provides for the disposition of points of order made against proposed legislation; and requires that the point of order be cited and explained specifically as to the language on which that point of order is premised; and Page H943

Rejected:

The Waxman amendment that sought to require each Federal agency to establish a process by which concerned citizens, not just State, local and tribal governments, may provide meaningful and timely input in the development of regulations containing significant Federal mandates; Page H916

The Collins of Illinois amendment that sought to change the effective date of the provisions to ten days after enactment, rather than October 1, 1995, as currently provided (rejected by a recorded vote of 181 ayes to 250 noes, Roll No. 73); Pages H931-32

The Hall of Ohio amendment that sought to provide that certain low-income entitlement programs would be considered Federal mandates, making legislation reducing their funding subject to a point of order as an unfunded mandate, even if those programs are significantly changed in the future, such as with the incorporation into a block grant as part of any forthcoming welfare reform (rejected by a recorded vote of 144 ayes to 289 noes, Roll No. 74); Pages H935-36

The Cooley amendment that sought to strike language which exempts legislation reauthorizing existing laws from point of order provisions so long as that reauthorization does not increase net direct costs to State, local, or tribal governments (rejected by a recorded vote of 146 ayes to 287 noes, Roll No. 75); Pages H939-40

The Waxman amendment that sought to specify that proposed legislation designed to prevent fraud and abuse, or to increase fiscal accountability of State or local programs, shall not be considered as imposing unfunded mandates (rejected by a recorded vote of 153 ayes to 275 noes, Roll No. 76); Page H941

The Mink amendment that sought to provide that legislation affecting entitlement programs in which States participate voluntarily would not be considered as imposing a Federal intergovernmental mandate (rejected by a recorded vote of 121 ayes to 310 noes, Roll No. 77); Page H944

The Beilenson amendment that provides that appropriations legislation be subject to requirements for expanded CBO cost estimates of legislation containing Federal mandates. Page H947

The Beilenson amendment that sought to strike provisions establishing a point of order against consideration of legislation containing unfunded intergovernmental mandates so that a point of order would apply only to legislation for which the required CBO cost estimate has not been published (rejected by a recorded vote of 138 ayes to 291 noes, Roll No. 78); and Page H948

The Moran amendment that sought to change language defining a "Federal intergovernmental mandate" so that it would not include any provision which would apply an enforceable mandate equally to the public sector and the private sector; and to provide that a point of order against congressional consideration of legislation containing unfunded mandates could not be invoked in the case of provisions that apply equally to the public and private sectors (rejected by a recorded vote of 143 ayes to 285 noes, Roll No. 79). Page H953

Withdrawn:

The following amendments were offered, but subsequently withdrawn:

The Manzullo amendment to the Schiff amendment, as modified, that would have required the Commission to study the role and impact of requirements under the Employee Commute Options provision of the Clean Air Act and the National Voter Registration Act (the "motor voter" law); and to issue recommendations regarding those provisions; Page H914

The Oxley amendment that would have changed provisions of the Great Lakes Water Quality Act so that States in the Great Lakes system would not be required to adopt water quality programs which are identical or similar to the Environmental Protection Agency's proposed Great Lakes water quality guidelines, but only to "take into account" EPA guidance; Page H925

The Roemer amendment that would have provided that provisions should not apply to any Federal statute or Federal regulation that pertains to the immunization of children against vaccine-preventable diseases; and Page H938

The Skaggs amendment that would have deleted provisions which exempt legislation reauthorizing existing law and provided that all existing laws would always be subject to the point of order provisions during reauthorization. Page H938

Committees on Sit: It was made in order that the following committees and their subcommittees be permitted to sit on Wednesday, February 1, during the proceedings of the House under the five-minute

rule: Agriculture, Economic and Educational Opportunities, Transportation and Infrastructure, Judiciary, Science, Resources, Commerce, and International Relations.

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Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H970–73.

Quorum Calls—Votes: Seven recorded votes developed during the proceedings of the House today and appear on pages H931–32, H935–36, H939–40, H941, H944, H948, and H953. There were no quorum calls.

Adjournment: Met at 9:30 a.m. and adjourned at 9:35 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Downsizing the Government. Testimony was heard from public witnesses.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Future of the Department of Energy. Testimony was heard from John T. Conway, Chairman, Defense Nuclear Facilities Safety Board; Edward Teller, Lawrence Livermore National Laboratory; and public witnesses.

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Agencies held a hearing on Foreign Operations in an Era of Budget Reductions. Testimony was heard from public witnesses.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Held a hearing on the Budget and Economic Outlook. Testimony was heard from Robert D. Reischauer, Director, CBO.

CONTRACT WITH AMERICA: CHILD WELFARE/CHILD CARE

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families held a hearing on the Contract With America: Child Welfare/Child Care. Testimony was heard from Representative Hutchinson; Jane Ross, Director, Income Security Issues, GAO; and public witnesses.

NATIONAL SECURITY REVITALIZATION ACT

Committee on International Relations: Ordered reported amended H.R. 7, National Security Revitalization Act.

BRIEFING—HORN OF AFRICA AND SOUTHERN AFRICA

Committee on International Relations: Subcommittee on Africa met in executive session to receive a briefing on the Horn of Africa and Southern Africa. The Subcommittee was briefed by George E. Moose, Assistant Secretary, Bureau of African Affairs, Department of State.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported amended H.R. 668, Criminal Alien Deportation Improvements Act of 1995.

The Committee also began markup of H.R. 667, Violent Criminal Incarceration Act of 1995.

Will continue tomorrow.

FORT CARSON-PINON CANYON LANDS WITHDRAWAL ACT; NATIONAL SECURITY REVITALIZATION ACT

Committee on National Security: Ordered reported the following bills: H.R. 256, Fort Carson-Pinon Canyon Military Lands Withdrawal Act, and H.R. 7 as amended, National Security Revitalization Act.

OVERSIGHT

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Investment in Hardrock Mineral Exploration and Development. Testimony was heard from public witnesses.

IMPACT OF CONTRACT WITH AMERICA ON THE TERRITORIES; OMNIBUS TERRITORIES ACT

Committee on Resources: Subcommittee on Native American and Insular Affairs held a hearing on the Impact of the Contract With America on the territories, reducing and reforming Government through the termination of the Offices of Territorial and International Affairs, H.R. 602, Omnibus Territories