Salter and Assistant Coaches Glenn Martinez, Mike DiFiori, Bill Mulvehill, Richard Ecalera, Stephan Pace, Dechon Burns, Pat Escalera, and Joe O'Connor, the Lancer football team proved that Bishop Amat is a formidable competitor.

This year's championship makes the fifth time Bishop Amat has successfully brought home the CIF Southern Section Division I Championship and their first since 1992. The dedication and commitment demonstrated by these students is commendable and noteworthy. Their practice required many long hours, whle maintaining the high academic standards demanded of Bishop Amat students, in preparation for their 14-game championship season.

Mr. Speaker, it is with pride that I rise to recognize these exceptional students, coaches, and parents. I ask my colleagues to join me in saluting these accomplished individuals and in extending our congratulations and best wishes for their continued success and commitment to excellence.

VA EDUCATION 2-YEAR RULE MODIFICATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. STUMP. Mr. Speaker, today I introduce H.R. 2851 to amend title 38, U.S. Code to modify the Department of Veterans Affair's GI bill's 2-year rule to allow easier access for veterans to institutions of higher learning.

The proposed bill waives the current 2-year operating rule for branch campuses of public or other tax-supported institutions. It also waives the rule for proprietary profit or nonprofit educational institutions where the branch and parent institution have been in operation for 2 years.

The 2-year rule is an important qualification for schools. In ensures that only quality educational institutions and courses are offered to our Nation's veterans. The rule was originated after World War II and resurfaced after the Vietnam war to negate the impact fly-by-night operations that preyed on veterans, bilking them of their educational benefits.

As a result, veterans did not receive the education and the training they needed and for which the citizens of this country paid with their taxes.

Today, the situation has changed substantially. While we recognize that some low-quality and fly-by-night organizations clearly still exist, the majority of for-profit education institutions offering meaningful, quality coursework. They have default rates well below the Department of Education's standards for continued operation and they are continually monitored for the VA by the State approving agencies.

This proposed legislation does not alter the stringent requirements already in place mandating that the institutions must be degree granting, and be recognized by a Department of Veterans Affairs-affiliated accrediting agency. The institution must be also be licensed by the State in which it operates.

Allowing participation by veterans on new branch campuses of already proven institutions gives necessary flexibility to veteran beneficiaries of the Montgomery GI bill and I urge its passage.

WEST VIRGINIANS SUPPORT HEALTH, SAFETY AND ENVIRONMENTAL PROTECTIONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. RAHALL. Mr. Speaker, during the first session of this Congress, West Virginians were subjected to a legislative assault of unprecedented proportions as proposal after proposal was advanced by the Republican majority to gut virtually every major environmental, health, and safety law.

From the standpoint of coalfield citizens in particular, 1995 was a year to remember. The protections coal miners receive from the Mine Safety and Health Administration came under siege by one Republican legislative proposal. The health care miners obtain from black lung clinics may no longer exist as a result of the Labor, HHS, and Education appropriation bill. The pensions and health care unionized coal miners receive continue to jeopardized by another Republican legislative proposal. The ability of coal miners to obtain black lung benefits was threatened by reductions in appropriations that may give rise to the closure of black lung field offices. And, the general welfare of coalfield citizens continues to be threatened by a Republican bill which would eliminate the ability of the Federal Office of Surface Mining to safeguard the coalfield environment, and the safety of coalfield citizens, from illegal surface coal mining practices.

While these are issues particular to the coalfields, West Virginians also feel strongly about the integrity of environmental statutes which affect the Nation as a whole. Last year we saw come out of this body a rewrite of the Clean Water Act that would roll back decades of progress in bringing a better quality of life to our citizens through cleaner lakes and streams. We also saw reported to the full House an Endangered Species Act rewrite that purports to place in the hands of mankind the ability to determine which of the Lord's creatures may live, and which may perish into extinction.

I am pleased at this time to include in the RECORD a summary of a survey conducted last October on the attitude of West Virginians toward environmental issues before the Congress. This survey, conducted by the Mellman Group, Inc., for the Environmental Information Center was recently brought to my attention by the West Virginia Chapter of the Sierra Club. The summary follows:

THE MELLMAN GROUP,
October 26, 1995.

To interested parties.
From the Mellman group.
Re West Virginia voters' attitudes toward environmental protection and regulatory reform.

The Mellman Group, Inc. designed and administered this telephone survey conducted by professional interviewers. The survey interviewed 500 registered voters in West Virginia. The survey was conducted between October 21–23, 1995. The margin of error for this survey is +/−4.4 percentage points at the 95% confidence level. The margin of error for subgroups varies and is slightly larger.

West Virginia voters are solidly in favor of maintaining current levels of environmental protection. A majority oppose current Congressional efforts to roll back environmental laws and regulations, and they are specifically opposed to loosening clean water regulations and reducing protections for endangered species. These voters object to the notion that they are over-regulated when it comes to the environment. Rather, they believe environmental laws and regulations have successfully protected public health and safety and are worth their cost. Further, West Virginians do not believe that we can afford to loosen environmental standards because of prior success in cleaning up pollution. Instead, these voters believe that if we loosen environmental regulations it will turn back the clock on the advances we have made in pollution control. They oppose a regulatory reform package that would weaken any portions of the Clean Air Act, the Clean Water Act or the Safe Drinking Water Act. Similarly, these voters believe regulations to protect endangered species are necessary and worth their costs. West Virginians oppose legislation that would reduce protections for endangered plants and animals. As we have seen in other states, this support for environmental laws and standards cuts across partisan, ideological, and demographic lines. Finally, in substantial numbers, West Virginians will retaliate at the polls against candidates who support relaxing environmental regulations.

POWER OF THE PURSE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. KNOLLENBERG. Mr. Speaker, it has come to my attention that amounts appropriated in the fiscal year 1994 Defense budget are not being spent for the specific purposes for which they were intended.

Central to our debates over appropriations funding in the last several months has been a tacit understanding by both sides of the aisle that the Congress, and the Congress alone, has the constitutional ''Power of the Purse.'' From this power, the Congress—and the Congress alone—specifies the objects of the appropriations funding. This means that the Congress can direct that agencies expend funds at the level, and in the direction, which Congress indicates.

This principal has remained so settled that it has been virtually unchallenged—that is, until relatively recently. In recent litigation before the U.S. District Court for the District of Columbia, however, The Justice Department has taken the position that the language commonly employed in appropriations acts to direct funding is permissive only, and not mandatory. Specifically, according to the Justice Department, the language ''not less than $40 million shall be made available only for the National Center for Manufacturing Sciences'' as employed in the fiscal year 1994 Defense Appropriations Act and the language ''not less than $20 million shall be made available only for the National Center for Manufacturing Sciences'' as employed in the fiscal year 1995 Defense Appropriations Act, is not binding on the agency.

The Department has used this interpretation to withhold funding from the National Center for Manufacturing Sciences. As a result, the

Department is effectively supplanting its policy judgment for the will of Congress. And, at this very moment, important projects of the National Center for Manufacturing Sciences are being scaled back, and personnel are being laid off.

To clear up the interpretation of this important language, I have written to my colleagues, Mr. LIVINGSTON and Mr. OBEY, and have asked for their opinions on the meaning of these terms. I ask that the Justice Department take note of the opinions of the Chairman and the ranking minority member of the Committee on Appropriations when defining these terms. At this point I ask unanimous consent to enter into the RECORD this letter and a section from the GAO's review of appropriations law.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 19, 1995.

Hon. JOE KNOLLENBERG,
U.S. House of Representatives,
Washington, DC.

DEAR JOE: Your letter regarding a Justice Department interpretation of legislative earmark appropriations bill language is interesting. It points out the strains that occur when we legislate and the Executive branch searches out loopholes.

The Committee would expect, when using the language you cited ''not less than $X of the funds appropriated shall be made available only for * * *'', that the agency to which the appropriation was made would use at least that much money solely for the specified purposes in the language.

After reading your letter, a review was made of the GAO Principles of Federal Appropriations Law. I have attached chapter 6(B), Types of Appropriation Language and the Concept of Earmarking. In this chapter there is a paragraph on ''not less than'' earmarks. You may find some of these citations useful.

I hope this will be helpful.

Sincerely,

BOB LIVINGSTON,
Chairman.
DAVE OBEY,
Ranking Minority Member.

CHAPTER 6.—AVAILABILITY OF APPROPRIATIONS: AMOUNT

B. TYPES OF APPROPRIATION LANGUAGE AND THE CONCEPT OF EARMARKING

Congress has been making appropriations since the beginning of the Republic. Over the course of this time, certain forms of appropriation language have become standard. This section will point out the more commonly used language with respect to amount.

Congress may wish to specifically designate, or ''earmark,'' part of a more general lump-sum appropriation for a particular object, as either a maximum, a minimum, or both.[1] For simplicity of illustration, let us assume that we have a lump-sum appropriation of $1,000 for ''smoking materials'' and a particular object within that appropriation is ''Cuban cigars.''

If the appropriation specifies ''not to exceed'' $100 for Cuban cigars or ''not more than'' $100 for Cuban cigars, then $100 is the maximum available for Cuban cigars. 64 Comp. Gen. 263 (1985).[2] A specifically earmarked maximum may not be augmented with funds for the general appropriation.

Statutory transfer authority will permit the augmentation of a ''not to exceed'' earmark in many, but not all, cases. In 12 Comp. Gen. 168 (1932), it was held that general transfer authority could be used to increase maximum earmarks for personal services, subject to the percentage limitations specified in the transfer statute.

[1] We use the term ''earmarking'' here to mean a specific statutory designation of a portion of a lump-sum appropriation or authorization. The term is also used to refer to the statutory designation of revenues for particular uses. For a brief but nevertheless useful discussion of earmarking in this latter sense, see GAO report entitled *Budget Issues: Earmarking in the Federal Government,* GAO/AFMD–90–8FS (January 1990).

[2] A ''not to exceed'' earmark was held not to constitute a maximum in 19 Comp. Gen. 61 (1939), where the earmarking language was inconsistent with other language in the general appropriation.

AIRLINE AMBASSADOR PROGRAM: WORKING TO PROMOTE GOOD WILL THROUGH TRAVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in recognizing the Airline Ambassador Program. Initiated by an outstanding young woman, Nancy Larson, this program has already succeeded in extending help and compassion to the underprivileged children of the world, in teaching care and concern for the environment and in promoting a sense of community among the diverse ethnic groups of our planet.

The Airline Ambassador Program has created a network of airline personnel who volunteer their time to humanitarian service in their own communities and abroad. Since 1993, airline ambassadors have volunteered in a wide variety of highly effective activities throughout the world. They have participated in nine international conferences, hosted five interactive global tea parties which promote intercultural sharing, sponsored four humanitarian missions to former Yugoslavia, Ecuador, Mexico and Bolivia, and coordinated donations of hospital supplies, food, toys, and baby items for orphanages and needy children. Airline personnel have escorted hundreds of orphans and children in need of medical care.

The unique ability of airline personnel to span the globe at a moment's notice allows them to assist in ways others cannot. They are creating an example by these activities of sharing and caring for the travelling public at large. Inflight articles and videos will further reinforce this idea of travelling to make a positive impact on the world.

I am confident that as the Airline Ambassador Program gains the support and momentum it deserves, it will be able to accomplish even more through expansion of its many excellent programs. Please join me in expressing appreciation for the unique way in which airline ambassadors and Nancy Larson are making this world a better place for all of us to live.