

resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002.

The message further announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 63. Concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2909. An act to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that Act only by donation or exchange, or otherwise with the consent of the owner of the lands.

H.R. 3603. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2909. An act to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that Act only by donation or exchange, or otherwise with the consent of the owner of the lands; to the Committee on Environment and Public Works.

H.R. 3603. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and other purposes; to the Committee on Appropriations.

Pursuant to the order of May 23, 1996, the following bill was referred to the Committee on Indian Affairs for a period not to exceed 10 session days:

H.R. 3286. An act to help families defray adoption costs, and to promote the adoption of minority children.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3026. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the report entitled "Semiannual Report to Congress on Audit Follow-Up"; to the Committee on Governmental Affairs.

EC-3027. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector

General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3028. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC-3029. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3030. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3031. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3032. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3033. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3034. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3035. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-268 adopted by the Council on May 5, 1996; to the Committee on Governmental Affairs.

EC-3036. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a notice of approval for a personnel management demonstration project for the Department of the Air Force; to the Committee on Governmental Affairs.

EC-3037. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Inspector General and the Management Response for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3038. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3039. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3040. A communication from the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC-3041. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant

to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3042. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3043. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on June 4, 1996; to the Committee on Governmental Affairs.

EC-3044. A communication from the Chief Operating Officer and President of the Resolution Funding Corporation, transmitting, pursuant to law, the report of financial statements and other reports for calendar years 1994 and 1995; to the Committee on Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-584. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

#### "SENATE JOINT RESOLUTION No. 13

"Whereas, the Secretary of the Interior has proposed rules concerning R.S. 2477, rights-of-way on public lands, and these proposed rules would create a hardship on the state; and

"Whereas, longstanding and previously accepted public property rights could be legislatively extinguished, because the rule requires all public rights-of-way across lands administered by the Bureau of Land Management, National Park Service, and Fish and Wildlife Service to be reclaimed within two years, and a failure to reclaim these lands would constitute an automatic relinquishment of the rights-of-way; and

"Whereas, the burden of proving the validity of all existing public rights-of-way is placed upon the local government and the proposed rules would require local governments to immediately initiate a labor-intensive and time-consuming validity determination process; and

"Whereas, in view of the fact that most rural governmental agencies would not have sufficient staff or funding to comply with the proposed federal validity requirements, the likely result is a loss of many public rights-of-way; and

"Whereas, where a valid right-of-way is subsequently recognized by the Department of the Interior, maintenance or reconstruction activities associated with the right-of-way, that occurred after October 1976, may be deemed an unauthorized use or trespass; and

"Whereas, the determination of validity will be vested in the "authorized officer" which is defined as the Director of the Bureau of Land Management, the Regional Director of the United States Department of Fish and Wildlife, and the Regional Director of the National Parks Service, or a combination of those officials; and

"Whereas, compliance with, and interpretation of, those validity determination requirements will most likely result in a complex bureaucratic process for local governmental agencies; and

"Whereas, during the validity determination process, routine maintenance activities

could be denied because they would be subject to review and approval by the appropriate federal agency; and

"Whereas, in the event of an accident, that delay could result in serious liability issues for the local government previously responsible for maintenance of the right-of-way; and

"Whereas, R.S. 2477, constitutes another significant unfunded federal mandate, and illustrates the problems created by the proliferation of unfunded mandates; and

"Whereas, the costs incurred as a result of the validity determination process would not be reimbursed by the federal government and the process could result in forfeiture of rights-of-way by those local governments unable to bear the costs of the process: Now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California, jointly, that the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation that would temporarily prevent the Secretary of the Interior from implementing the proposed rule changes regarding R.S. 2477, as published August 1, 1994, in the Federal Register governing rights-of-way access across federal public lands, until such time that Congress can reexamine the issue of public rights-of-way in collaboration with affected states, local governments, landowners, and the general public; and be it further*

*"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Interior, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."*

POM-585. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

**"HOUSE JOINT RESOLUTION No. 159**

"Whereas, the Federal Surface Mining Act of 1977 has been adopted by the Commonwealth of Virginia; and

"Whereas, the current reclamation laws require complete elimination of all highwalls; and

"Whereas, this requirement discourages the use and economical re-mining of abandoned strip mine sites in southwest Virginia; and

"Whereas, the re-mining of such abandoned sites would increase employment and provide usable reclaimed property for housing and industrial development; and

"Whereas, the General Assembly of Virginia appreciates and supports reasonable safeguards to protect watershed, streams, water supplies and citizens; and

"Whereas, the General Assembly of Virginia believes that government funds now being used to reclaim abandoned sites should be substantially used to supply potable water to coalfield residents; and

"Whereas, the General Assembly of Virginia supports the appropriate amendments to all applicable federal and state laws and regulations which would encourage and allow the re-mining of previously strip-mined sites under the appropriate safeguards to ensure protection of the public safety and welfare: Now, therefore, be it

*"Resolved by the House of Delegates, the Senate concurring, That the Congress be urged to support appropriate amendments to federal laws to encourage the re-mining of previously strip-mined sites; and, be it*

*"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United*

States House of Representatives, the President of the United States Senate, the Virginia Liaison Office, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-586. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

**"SENATE JOINT RESOLUTION No. 64**

"Whereas, the Federal Surface Mining Act of 1977 has been adopted by the Commonwealth of Virginia; and

"Whereas, the current reclamation laws require complete elimination of all highwalls; and

"Whereas, this requirement discourages the use and economical re-mining of abandoned strip mine sites in Southwest Virginia; and

"Whereas, the re-mining of such abandoned sites would increase employment and provide usable reclaimed property for housing and industrial development; and

"Whereas, the General Assembly of Virginia appreciates and supports reasonable safeguards to protect watersheds, streams, water supplies and citizens; and

"Whereas, the General Assembly believes that government funds now being used to reclaim abandoned sites should be substantially used to supply potable water to coalfield residents; and

"Whereas, the General Assembly of Virginia supports the appropriate amendments to all applicable federal and state laws and regulations which would encourage and allow the re-mining of previously strip-mined sites under the appropriate safeguards to ensure protection of the public safety and welfare: Now, therefore, be it

*"Resolved by the Senate the House of Delegates concurring, That the Congress of the United States be urged to support appropriate amendments to federal laws to encourage the re-mining of previously strip-mined sites; and, be it*

*"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia."*

POM-587. A resolution adopted by the Senate of the Legislature of the State of Georgia to the Committee on Energy and Natural Resources.

**"SENATE RESOLUTION No. 433**

"Whereas a proposal has been made to the United States Congress to sell facilities used by the Southeastern Power Administration (SEPA) which is headquartered in Elbert County, Georgia; and

"Whereas, these facilities, which include nine hydroelectric dams, provide electric power and reservoirs for Georgia; and

"Whereas, all of these facilities, operated by the United States Army Corps of Engineers, also provide the public with needed fish and wildlife resources, municipal, industrial, and agricultural water supplies, flood control, reservoir and downstream recreational uses, and river water level regulation; and

"Whereas, such proposed sale would give too little assurance that these assets will be administered with due consideration to the purposes of the facilities not related to power production, such as water supply, flood control, navigation, recreation, and environmental protection; and

"Whereas, the revenue from the electricity generated by the hydroelectric dams exceeds

the retirement obligations of the construction bonds and costs of operation and maintenance for these facilities; and

"Whereas, many Georgians served by these facilities could likely experience significant rate increases in electricity and water as a result of this sale: Now, therefore, be it.

*"Resolved by the Senate, That the members of this body urge the United States Congress to reevaluate the negative impacts of this proposal and avoid any transfer of federal dams, resources, turbines, generators, transmission lines, and related power marketing association facilities.*

*"Resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Speaker of the United States House of Representatives, and presiding officer of the United States Senate, and members of the Georgia congressional delegation."*

POM-588 A concurrent resolution adopted by the Legislature of the State of Arizona to the Committee on Energy and Natural Resources.

**"HOUSE CONCURRENT MEMORIAL 2001**

"Whereas, wise and enlightened management is vital to preserving the vital resources of the vast rural areas of the west in general and the state of Arizona in particular, including environmental, scenic, wildlife, habitat, land and water resources; and

"Whereas, most of Arizona's rural lands are characterized by a patchwork of federal, state and private land ownership patterns, resulting in divergent uses and management goals and practices; and

"Whereas, the disunity of management fails the public interest and the public expectation of the optimal use and protection of the land and its resources; and

"Whereas, holistic resource management practices have proven to be a successful method of incorporating the critical environmental and habitat requirements of plant and animal species with the resource requirements of the public; and

"Whereas, holistic practices involve the participation and sponsorship of all parties with an interest in resource management and thus bring together otherwise competing and opposing interests to work cooperatively toward a united goal; and

"Whereas, federal land managers, vital elements in achieving overall consistency, are frequently constrained from participating in comprehensive resource planning because of narrowly focused policies imposed by remote and hierarchical organizational orientation; and

"Whereas, federal resource management needs to be incorporated into a broader, community based approach to reach the best public good.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States enact legislation to allow comprehensive holistic resource management of federal lands along with state and private lands and authorize federal land management agencies to study and determine the management practices that provide a comprehensive overview to benefit all resources, including plant and animal species.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-589. A concurrent resolution adopted by the Legislature of the State of Arizona; to

the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2002

"Whereas, on July 18, 1995 Governor Fife Symington established the Arizona preserve initiative task force to evaluate and recommend appropriate ownership and management alternatives for environmentally sensitive state trust lands; and

"Whereas, the task force identified over six hundred thousand acres of state trust lands that have unique and significant public values; and

"Whereas, the task force recommended that these lands be conserved and protected from incompatible use so that their value as undeveloped open land can be enjoyed by future generations; and

"Whereas, the task force considered many factors, including the potential threats to the land, potential uses of the land, the open space value of the land, conservation strategies and alternative management options, entities and agencies, in order to arrive at the optimum recommendations with regard to the several study areas; and

"Whereas, several acres of state trust land are adjacent to and within federal management areas and suitable for conveyance to the federal government in order to preserve them from uses that are incompatible with their preservation value; and

"Whereas, the federal government has used a condemnation process in the past to acquire state property and provide payment with federal lands of equal value that are more suitable for lease or sale for revenue purposes for the state trust beneficiaries; and

"Whereas, the condemnation process has had and could have significant environmental benefits for land management and major financial benefits for the trust beneficiaries; and

"Whereas, meetings on this issue have occurred between state and federal land management agencies over several years and a tentative condemnation package has been discussed; and

"Whereas, the condemnation process requires congressional authorization.

"Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States enact legislation to authorize federal acquisition of designated environmentally sensitive state trust lands in the State of Arizona that are best suited for conservation by condemnation and repayment to the state trust with federal lands of equal value that are suitable for future lease or sale for revenue generation for the trust beneficiaries, and which are acceptable to the state, except that state trust land shall not be condemned for expansion of the Buenos Aires national wildlife refuge.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-590. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2007

"Whereas, livestock production and open range grazing have played a major role in the cultural and economic development of the western states and, along with mining, timbering and homesteading, were a principal incentive for western settlement. Today, many western ranchers depend on

designated federal lands to graze their livestock, and meat production is an important use of federal lands that benefits the public at large; and

"Whereas, the Taylor Grazing Act of 1934 put grazing resources under federal government supervision and authorized the Secretary of the Interior to charge reasonable fees for grazing on federal lands. Since then, federal legislation such as the Environmental Protection Act of 1969, the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978 have maintained restrictions on livestock grazing on federal lands and have reinforced the intent of the federal government to retain ownership of these public lands; and

"Whereas, grazing regulations must strike a fair balance between the concept of compensating the public for use of its lands and ensuring proper protection of these resources while considering the implications of grazing fees or restrictions on individual ranching operations. Recently, however, the Secretary of the Interior implemented new public rangeland regulations that severely restrict livestock grazing on federal lands; and

"Whereas, both houses of the Congress have proposed legislation that would replace these regulations with others that balance both environmental and livestock grazing interests by promoting better management techniques that do not penalize western livestock ranchers. This legislation would, among other things, require the Secretary of the Interior, after consulting with relevant state officials, to set standards and guidelines for rangeland management at a regional, state or county level, allow non-grazing parties from the affected rangeland areas to participate in resource advisory councils that would advise the Secretary of the Interior on federal land use and provide for a modest increase in grazing fees that does not threaten the livelihood of western ranchers; and

"Whereas, many of the issues related to grazing on public lands are of regional and state concern, yet the new regulations implemented by the Secretary of the Interior include minimum national standards, covering all federal grazing areas, that fail to consider the specific, varying rangeland conditions in the individual states. In deference to state and local interests, the Secretary of the Interior should issue grazing guidelines on a state or regional, not national, basis, in consultation with the states' agricultural authorities; and

"Whereas, the members of the Forty-second Legislature of the State of Arizona support this state's ranchers and find that the grazing regulations recently adopted by the current administration impose extreme restrictions that threaten to shut down their ranching operations. If the federal government is unable to maintain equitable and productive multiple uses, including grazing, on federal lands, this state willingly accepts the responsibility to do so.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States provide needed relief to the ranching industry by enacting legislation that protects the use of federal lands for livestock grazing.

"2. That the Congress of the United States encourage federal agencies, including the United States Forest Service and the United States Fish and Wildlife Services, to adopt a cooperative approach, when feasible, in promptly resolving livestock grazing issues.

"3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the Senate of the United States, the Speaker of the House of

Representatives of the United States and each Member of the Arizona Congressional Delegation."

POM-591. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2006

"Whereas, millions of acres of trees and brush are at unnaturally high densities that choke the national forests in Arizona where dead, downed vegetation and foliage provide high hazard conditions for catastrophic wildfires; and

"Whereas, fire suppression capability cannot provide adequate fire protection for the vast expanse of national forest land and tens of thousands of private homes within Arizona; and

"Whereas, with the current situation of Arizona's national forest land, the question is not whether we will have catastrophic fires but rather when and where these fires will occur, threatening not only this state's abundant natural resources, but its citizens and communities as well.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States immediately encourage the United States Forest Service to implement already authorized emergency timber sales to reduce fire hazard in the many communities that interface with national forests, reduce continuous landscape forest fuel loads, widen the highway corridors that pass through Arizona's national forests, prepare emergency access and egress routes through the national forests where local fire fighting agencies deem it necessary and to provide forest fuel breaks around populated areas located adjacent to high risk national forest lands.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each Member of the Arizona Congressional Delegation."

POM-592. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2005

"Whereas, the government of the United States has recognized the Tohono O'Odham tribe of Indians and has established the Tohono O'Odham Indian reservation on which the tribe may exist and preserve its identity, society and culture; and

"Whereas, the reservation contains many sites that are significant to the tribe's traditional cultural and religious heritage; and

"Whereas, a particular site that is sacred to the Tohono O'Odham Indians, Baboquivari peak, is only partially included in the reservation; and

"Whereas, a portion of Baboquivari peak, adjacent to the reservation, is owned by the federal government, and is thus not currently protected or preserved for the benefit of the Tohono O'Odham people.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States enact legislation to transfer in trust that portion of Baboquivari peak consisting of federal lands for inclusion in the Tohono O'Odham Indian reservation.

"2. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to the President of the United States Senate, the Speaker of the United

States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-593. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION NO. 19

"Whereas, Vernon, Beauregard, and the surrounding parishes rely heavily on the continuing economic support of Fort Polk; and

"Whereas, the potential transfer of portions of the Kisatchie National Forest should ensure the stability and permanence of the Fort Polk military base and possibly lead to its future expansion; and

"Whereas, the potential transfer of lands of the Kisatchie National Forest should not result in the expropriation of any privately owned property; and

"Whereas, if Congress transfers these lands, there should be no infringement upon private landowners' rights to their property by the military presence; and

"Whereas, the stewardship of the lands of Kisatchie National Forest should remain with the United States Forest Service in the event of such land transfer; and

"Whereas, if the transfer occurs, Fort Polk should ensure that the forest lands be subject to periodic inspection by the Environmental Protection Agency to address environmental concerns; and

"Whereas, if Congress transfers the lands, Fort Polk should use the land for maneuvering exercises without the use of live artillery or toxins which may endanger the public and indigenous wildlife; and

"Whereas, if the land transfer occurs, Fort Polk will give the public access to the forest at times it deems prudent; therefore, be it

"Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to transfer certain portions of the lands of the Kisatchie National Forest to the Fort Polk military base provided that the viability of the military base is ensured, that there will be no infringement upon property owners' rights to their land, and that environmental concerns will be addressed; be it further

"Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POW-594. A joint resolution adopted by the Legislature of the State of New Hampshire to the Committee on Energy and Natural Resources.

"HOUSE JOINT RESOLUTION

"Whereas, much of New Hampshire's air pollution results from air pollutants and their precursors transported into the state from upwind sources including electricity generation stations; and

"Whereas, the Energy Policy Act of 1992 requires the Federal Energy Regulatory Commission (FERC) to implement increased competition in the electric utility industry, but does not relieve FERC or other federal agencies of their responsibility and obligation to act in the public interest and to carefully review and mitigate critical environmental and health impacts that may result from open access to transmission services; and

"Whereas, FERC's draft Environmental Impact Statement on its Notice of Proposed Rulemaking Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Service by Public Utilities (the "Mega-NOPR"), asserts that sizable

increases in air pollution could occur due to a shift from cleaner generation sources to cheaper and dirtier generators, but then greatly underestimates FERC's obligation to mitigate the impact of its proposed Mega-NOPR actions, by selecting an inappropriate base case which assumes incremental implementation of the same policy of open transmission access, instead of selecting the more appropriate base case of no action and current air quality trends; and

"Whereas, there is sufficient underutilized electric generating capacity in midwestern states, subject to much lower air emissions standards than competitors in northeastern states, so that implementing open transmission access, without more appropriate, comparable and equitable environmental regulation, could result in increased electricity generation in midwestern states and significant additional air pollution transport to northeastern states; and

"Whereas, federal air pollution regulation of electric generators has too often been inappropriately based almost exclusively on air quality in the vicinity of the generator, without sufficient consideration of the effects of transport of pollutants to downwind areas; and

"Whereas, a considerable burden has been placed on New Hampshire by its designation as part of the Ozone Transport Region delineated by the Clean Air Act Amendments of 1990, despite considerable evidence that New Hampshire's exceedances of federal ambient air quality standards are overwhelmingly due to transported air pollution from upwind states; and

"Whereas, New Hampshire's electric rates have been much higher than the national average for many years, a substantial cause of which has been New Hampshire's pursuit over many years of lesser-polluting electricity sources as alternatives to construction of additional lower-cost, higher polluting coal-fired stations; and

"Whereas, New Hampshire, as a result of its Reasonably Available Control Technology (RACT) requirements for its own electrical generating stations, has shown that state-of-the-art selective catalytic reduction (SCR) RACT equipment installed at New Hampshire's largest coal-fired electrical generating station is a cost-effective method for reducing emissions of oxides of nitrogen (NOx), and would be cost-effective in other states as well; and

"Whereas, the costs for upwind electric generators to make similar source emission reductions, particularly in coal-fired stations, typically appear to be significantly smaller than the costs to northeastern states to compensate for transported air pollution by imposing more expensive mitigation measures on other sources of pollution; and

"Whereas, such source mitigation costs also appear to be only a small fraction of the potential additional revenue from increased generation by low cost coal-fired generators as a result of FERC's Mega-NOPR; and

"Whereas, Governor Stephen Merrill indicated in a July 20, 1995 letter to EPA Administrator Carol Browner that New Hampshire is not willing to subsidize the economy, environment, health and quality of life of upwind states at the expense of those aspects of its own citizens' lives; and

"Whereas, the state of New Hampshire would strongly prefer to avoid suing the federal government and upwind states to take actions to mitigate increased air pollution resulting from FERC's actions, pursuant to the Clean Air Act Amendments of 1990 and the National Environmental Policy Act: Now, therefore, be it

"Resolved by the Senate and House of Representatives in General Court convened:

"That the state of New Hampshire petitions the Federal Energy Regulatory Com-

mission to implement open access to transmission services and increased competition in the electric utility industry in a manner that supports and furthers the goals of environmental improvement, such as by stipulating that all electricity generators transmitting power under FERC open access rules comply with equitable and appropriate environmental regulation to reduce interstate transport of air pollutants; and

"That the state of New Hampshire further petitions the United States Environmental Protection Agency, the Council on Environmental Quality, the Federal Energy Regulatory Commission, the Congress, and the President of the United States to work together to ensure that increased competition in electricity markets be truly full, free, and fair, including equitable and appropriate environmental regulation, based on comparable scientific criteria, for all electricity generators and consumers; and to carefully consider as alternatives to existing regulatory controls, innovative market-driven forms of environmental regulation, such as valuing the costs of pollution and using pollution control offsets; and

"That copies of this resolution, signed by the president of the senate, the speaker of the house, and the governor be forwarded by the house clerk to each member of the New Hampshire Congressional delegation, the President of the United States, the President Pro-Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the United States Environmental Protection Agency, and the Council on Environmental Quality; and

"That this resolution is intended to be read in conjunction with HB 1392, which establishes principles for restructuring the New Hampshire utility industry, if and when it has been signed into law."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with amendments:

H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children (Rept. No. 104-279).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 419. A bill for the relief of Benchmark Rail Group, Inc..

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1533. A bill to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 226. A resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1559. A bill to make technical corrections to title 11, United States Code, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations. Those identified with a double asterisk (\*\*) are to lie on the