Union Calendar No. 487

105TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
105–846

REPORT ON THE ACTIVITY

OF THE

COMMITTEE ON COMMERCE

FOR THE

ONE HUNDRED FIFTH CONGRESS

JANUARY 2, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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ONE HUNDRED FIFTH CONGRESS

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, January 2, 1999.

Hon. JEFF TRANDAHL
Clerk,
House of Representatives
H-154 The Capitol
Washington, D.C. 20515

DEAR MR. TRANDAHL: I present herewith a report on the activity of the Committee on Commerce for the 105th Congress, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee.

Sincerely,

TOM BLILEY, *Chairman,*

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

REPORT

The jurisdiction of the Committee on Commerce, as prescribed by Clause 1(e) of Rule X of the Rules of the House, is as follows:

(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.

In addition, pursuant to clause 3(h) of Rule X of the Rules of the House, 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, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

RULES FOR THE COMMITTEE ON COMMERCE, U.S. HOUSE OF REPRESENTATIVES, 105TH 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.

(2) Special Meetings. Special meetings shall be called and conv ned as provided in clause 2(c)(2) of Rule XI of the Rules of the House.

(c) Vice Chairmen; 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.

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 at least 36 hours in advance of such meeting.

Rule 4. Procedure.

(a)(1) Hearings. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings. 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 except when the House is in session on such days) in advance of the commencement of such meeting.

(B) Other Meetings. 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)(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the

Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, for each witness appearing in a non-governmental capacity, such written testimony required under paragraph (1) shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c) Questioning Witnesses. 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) Explanation of Subcommittee Action. 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. Opening statements by members at the beginning of any hearing or markup 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. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

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. Official Committee Records.

(a)(1) Journal. 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 vote 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.

(2) Rollcalls. 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. Committee Reports.

(a) Supplemental, Minority, and Additional Views. If, at the time of approval of any measure or matter by the 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 two subsequent calendar days (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) 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

part of the report filed by the Committee with respect to that measure or matter.

(b) Investigative and Oversight Reports. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days).

(c) Filing of Investigative and Oversight Reports. After the adjournment of the last regular session of a Congress sine die, an investigative or oversight report may be filed with the Clerk of the House at any time, provided that if a member gives timely notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(d) Activity Reports. After an adjournment of the last regular session of a Congress sine die, the chairman of the Committee may file at any time with the Clerk of the House the Committee's activity report for that Congress pursuant to clause 1(d)(1) of Rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

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 within two weeks of the date of receipt by the Committee unless, by majority vote of the members of the Committee, 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 re-

ported 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 subcommittee 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 subcommittee 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) Majority Party Membership. 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) Minority Party Membership. 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) Ex Officio Members. 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 and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 15. Subcommittee Chairmen.

(a) Chairman's Nominations. 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) Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 16. Committee Professional and Clerical Staff Appointments.

(a) Delegation of Staff. 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 subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority 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) Additional Staff Appointments. 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) Sufficient Staff. 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) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service 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) Supervision of Majority Staff. 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) Supervision of Minority Staff. 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) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the

Committee and the chairmen of the subcommittees, shall for the 105th 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) Approval of the Committee Budget. 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 Committee on House 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) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House 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 such member 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, if authorized by a majority of the members voting of the Committee or subcommittee (as the case may be), a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. 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. 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 one week after service of such subpoena.

Rule 22. Travel of Members and Staff.

(a) Approval of Travel. Consistent with the primary expense resolution and the 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) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

RULE XI, CLAUSES 2 AND 3 OF THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 105TH CONGRESS

JANUARY 1, 1998

RULE XI: RULES OF PROCEDURE FOR COMMITTEES

CLAUSE 2: COMMITTEE RULES

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee, in open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the committee is elected in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The Chairman of each standing committee may call and convene, as he or she 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 purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the 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 of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee 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 that such special 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 special meeting.

Vice chairman or ranking majority member to preside in absence of chairman

(d) A member of the majority party on any standing committee or subcommittee thereof designated by the chairman of the full committee shall be vice chairman of the committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice

chairman of the committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include—

(A) in the case of any meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(B) a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule XXXVI. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule XXXVI, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall, to the maximum extent feasible, make its publications available in electronic form.

Prohibition against proxy voting

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy. Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof (except the Committee on Standards of Official Conduct) shall be open to the public, including to radio, television, and still photography coverage, except as provided by clause 3(f)(2), except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger na-

tional security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of rule X or by subparagraph (2) of this paragraph.

(2) Each hearing conducted by each committee or subcommittee thereof (except the Committee on Standards of Official Conduct) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI.

No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: Provided, however, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on National Security, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the

Daily Digest and promptly entered into the committee scheduling service of House Information Resources.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial oral presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

Limitation on committees' sittings

(i) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) (A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting an equal number of its majority and minority party members each to question a witness for a specified period not longer than 30 minutes.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within

seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter. The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(3) The report of any committee on a measure which has been approved by the committee shall include (A) the oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X separately set out and clearly identified; (B) the statement required by section 308(a)(1) of the Congressional Budget Act of l974, separately set out and clearly identified, if the measure provides new budget authority (other than continuing appropriations), new entitlement authority as defined in section 3(9) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 4(c)(2) of rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than

two additional calendar days after the day of such notice (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. When time guaranteed by this subparagraph has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which the report of that committee upon that measure or matter has been available to the Members of the House, Provided, however, That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b) of rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned

Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 5 of rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth

in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

CLAUSE 3: BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by any committee or subcommittee of the House is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2). A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee of the House shall adopt written rules to govern its implementation of this clause. Such rules shall include provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(9) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON COMMERCE

ONE HUNDRED FIFTH CONGRESS

(Ratio: 28-23)

TOM BLILEY, Virginia, *Chairman*

W.J. "BILLY" TAUZIN, Louisiana
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
Vice Chairman
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico[2]

JOHN D. DiNGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey[1]
SHERROD BROWN, Ohio
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
THOMAS C. SAWYER, Ohio
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado

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*Representative Bill Richardson (D-NM) resigned as a Member of the House of Representatives on February 13, 1997; he was subsequently sworn in as the United States Ambassador to the United Nations on that same date.

[1] Representative Frank Pallone, Jr. (D-NJ) was elected to the Committee on Commerce for the 105th Congress on February 13, 1997, pursuant to H. Res. 58, which passed the House on February 13, 1997. Previously, Mr. Pallone had been on sabbatical leave from the Committee since the beginning of the 105th Congress.

**Representative Scott L. Klug (R-WI) resigned as a Member of the Committee on Commerce on August 3, 1998.

[2] Representative Heather Wilson (R-NM) was elected to the Committee on Commerce for the 105th Congress on August 3, 1998, pursuant to H. Res. 515, which passed the House on August 3, 1998.

SUBCOMMITTEE MEMBERSHIPS AND JURISDICTION

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

(Ratio: 16-13)

W.J. "BILLY" TAUZIN, Louisiana, *Chairman*

MICHAEL G. OXLEY, Ohio
Vice Chairman
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICK WHITE, Washington
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico
TOM BLILEY, Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
BART GORDON, Tennessee
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
THOMAS J. MANTON, New York
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN MCCARTHY, Missouri
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; interstate and foreign commerce, including trade matters within the jurisdiction of the full committee; regulation of commercial practices (the FTC); consumer affairs and consumer protection in general; consumer product safety (the CPSC); product liability; and motor vehicle safety.

SUBCOMMITTEE ON FINANCE AND HAZARDOUS MATERIALS

(Ratio: 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

W.J. "BILLY" TAUZIN, Louisiana
Vice Chairman
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
RICK WHITE, Washington
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
HEATHER WILSON, New Mexico
TOM BLILEY, Virginia
(Ex Officio)

THOMAS J. MANTON, New York
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: Securities, exchanges, and finance; solid waste, hazardous waste and toxic substances, including Superfund and RCRA (excluding mining, oil, gas, and coal combustion wastes); noise pollution control; insurance, except health insurance; and regulation of travel, tourism, and time.

SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio: 16-13)

MICHAEL BILIRAKIS, Florida, *Chairman*

J. DENNIS HASTERT, Illinois
Vice Chairman
JOE BARTON, Texas
FRED UPTON, Michigan
JAMES C. GREENWOOD, Pennsylvania
CLIFF STEARNS, Florida
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
TOM BLILEY, Virginia
(Ex Officio)

SHERROD BROWN, Ohio
HENRY A. WAXMAN, California
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
PETER DEUTSCH, Florida
ANNA G. ESHOO, California
BART STUPAK, Michigan
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
RALPH M. HALL, Texas
ELIZABETH FURSE, Oregon
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; food and drugs; drug abuse; and Clean Air Act and environmental protection in general, including the Safe Drinking Water Act.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio: 16-13)

DAN SCHAEFER, Colorado, *Chairman*

MICHAEL D. CRAPO, Idaho
Vice Chairman
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
TOM BLILEY, Virginia
(Ex Officio)

RALPH M. HALL, Texas
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
KAREN MCCARTHY, Missouri
ALBERT R. WYNN, Maryland
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
BART GORDON, Tennessee
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

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

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio: 9-7)

JOE BARTON, Texas, *Chairman*

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MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
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TOM COBURN, Oklahoma
TOM BLILEY, Virginia
(Ex Officio)

RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
PETER DEUTSCH, Florida
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
JOHN D. DINGELL, Michigan
(Ex Officio)

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

COMMITTEE STAFF

JAMES E. DERDERIAN, *Chief of Staff*
CURRY ANN HAGERTY, *Deputy Chief of Staff*
JAMES D. BARNETTE, *General Counsel*
HUGH N. HALPERN, *Parliamentarian*
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DWIGHT CATES, *Investigator*
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ALAN MICHAEL SLOBODIN, *Senior Oversight Counsel*
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JOHN MARC WHEAT, *Counsel*
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CHRISTOPHER R. WOLF, *Research Assistant*
WILLIAM DUNCAN WOOD, *Professional Investigative Staff Member*

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DENNIS B. FITZGIBBONS, *Deputy Minority Staff Director*
DAVID R. SCHOOLER, *Minority General Counsel*
SHARON E. DAVIS, *Chief Minority Clerk*
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SUE D. SHERIDAN, *Minority Counsel*
BRIDGETT E. TAYLOR, *Minority Professional Staff Member*
CONSUELA M. WASHINGTON, *Minority Counsel*

LEGISLATIVE AND OVERSIGHT ACTIVITY OF THE COMMITTEE

During the 105th Congress, 898 bills were referred to the Committee on Commerce. The Full Committee reported 51 measures to the House (not including conference reports). The Committee also approved and transmitted to the Committee on the Budget seven Committee Prints for inclusion in H.R. 2015, the Balanced Budget Act of 1997, dealing with telecommunications issues, energy issues, and health issues. Fifty-seven measures regarding issues within the Committee's jurisdiction were enacted into law.

In areas as diverse as health, telecommunications, securities, and the environment, the Committee made great strides toward the goal of creating a more effective, less expensive, and more accountable government that better serves all Americans.

The enactment of the Balanced Budget Act of 1997 was not only an historic achievement in that it balanced the Federal budget for the first time in decades, but also because it included major legislative initiatives to: (1) reform the Medicare Program and thus avert bankruptcy of the program while assuring benefits for seniors continue to rise; (2) restructure the Medicaid Program by removing bureaucratic obstacles to responsive, effective delivery of services and giving States more control over their own programs; and (3) establish the State Children's Health Insurance Program to provide that more children get the health care they need.

The 105th Congress also marked the passage of the Food and Drug Administration Modernization Act of 1997, a comprehensive reform of the operations of the Food and Drug Administration to streamline and improve the regulation of new prescription drugs, medical devices, and food additives.

With respect to telecommunications, the Committee addressed issues as diverse as overseeing the implementation of the Telecommunications Act of 1996 to major initiatives to address the impact of electronic commerce. Legislation was enacted into law to address the question of Internet taxes, to protect children from sexually explicit material on the Internet, and to protect the privacy of children online.

In the securities area, Committee action resulted in enactment of the Securities Litigation Uniform Standards Act of 1998, which builds on legislation enacted in the 104th Congress to protect American companies, investors, and workers from the high cost of frivolous lawsuits. The Committee also played a major role in the development of the Financial Services Act to modernize the regulatory structure for the securities, insurance, and banking industries.

With respect to the environment, the Committee monitored the implementation of the Safe Drinking Water Act Amendments of 1996, the Environmental Protection Agency's proposed revisions of the National Ambient Air Quality Standards (NAAQS) for Ozone

and Particulate Matter, and the international negotiations on global climate change and the Kyoto Protocol.

The Committee also focused significant time and effort in several areas which will continue to be the focus for legislative activity in the 106th Congress, including the enhancement of competition in the electric utility industry, the reform of the Superfund program, and the need to open up electronic commerce, the marketplace of the 21st Century.

The following is a summary of the legislative and oversight activities of the Committee on Commerce during the 105th Congress, including a summary of the activities taken by the Committee to implement its Oversight Plan for the 105th Congress.

COMMITTEE ON COMMERCE

FULL COMMITTEE

(Ratio: 28-23)

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MICHAEL G. OXLEY, Ohio
MICHAEL BILIRAKIS, Florida
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
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CLIFF STEARNS, Florida
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Vice Chairman
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THOMAS C. SAWYER, Ohio
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KAREN MCCARTHY, Missouri
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado

OVERSIGHT HEARINGS

THE TOBACCO SETTLEMENT

On June 20, 1997, the Nation's largest tobacco product manufacturers and several State Attorneys General agreed to a proposal to settle approximately 40 lawsuits brought by States against the tobacco companies. Certain provisions of the settlement agreement required statutory changes to existing law, as well as the enactment of new statutes. In the Fall of 1997, the Committee and its subcommittees began an effort to review the terms of the proposed settlement, and their impact on national tobacco policy, as well as any alternatives.

As part of this effort, the Full Committee held two hearings. The first hearing, held on November 13, 1997, solicited the views of the Administration and the State Attorneys General. The Committee heard testimony from the Honorable Donna Shalala, Secretary, Department of Health and Human Services, the Honorable Christine Gregoire, Attorney General for the State of Washington, and the

Honorable Gale A. Norton, Attorney General for the State of Colorado.

At that hearing, the Chairman announced his intention to obtain certain tobacco industry documents which a Minnesota court official had identified as not protected by the attorney-client privilege because they may contain evidence of crime or fraud (*State of Minnesota,* et al. *v. Philip Morris, Inc.,* et al. No. C1-94-8563 (2nd Judicial Dist., MN)), as well as any other documents found to be exempt from attorney-client protection in the future. When the tobacco companies failed to comply voluntarily with that request, the Chairman of the Full Committee, in consultation with the Ranking Minority Member, issued subpoenas on December 4, 1997. The companies were given 24 hours to comply with the subpoenas or face enforcement proceedings in the form of a contempt resolution. The Committee received the documents on the following day. Following a bipartisan staff review of those documents and consultation with the Ranking Minority Member, the documents were ordered released to Committee Members and the public. The documents were made available in electronic form on CD-ROM (Committee Print 105-P) and on the Committee's site on the World Wide Web (http://www.house.gov/commerce).

On January 29, 1998, the Full Committee held its second hearing which solicited the views of the chief executive officers of the nation's five largest tobacco companies. At that hearing, the Committee heard from the chief executive officers of Brown & Williamson Tobacco Corporation; Loews Corporation; Philip Morris Companies, Inc.; RJR Nabisco; and UST, Inc.

On February 10, 1998, approximately 39,000 additional documents were recommended to the Minnesota court for denial of privilege. On February 19, 1998, the Chairman consulted with the Ranking Minority Member and issued subpoenas to individuals representing Brown & Williamson Tobacco Corporation; Philip Morris Companies, Inc.; RJR Nabisco; Loews Corporation; The Tobacco Institute; and The Council for Tobacco Research—U.S.A., Inc. ordering production of the approximately 39,000 documents to the Committee. Enforcement of the subpoenas was delayed until the United States Supreme Court had completed its review of the tobacco industry's appeal on claims of privilege. After the Supreme Court declined to hear their appeal, the Chairman informed the companies that the Committee had denied their claims of privilege in a letter dated April 6, 1998. The companies were also notified that unless the documents were produced immediately a contempt resolution would be brought before the Committee seeking enforcement of the subpoenas. The documents were produced to the Committee on that same day.

After an initial bipartisan assessment of all documents submitted to the Committee on April 6, 1998, the Chairman consulted with the Ranking Minority Member and ordered the public release of subpoenaed documents on the Committee's site on the World Wide Web on April 22, 1998. It was decided that 424 documents should be withheld for further review. The Committee staff continued its bipartisan review of the remaining documents, and eventually recommended that 39 documents (excluding duplicate documents) remain confidential either because they were prepared for ongoing

litigation, contained trade secret information, or affected the privacy rights of named plaintiffs. The Chairman then ordered all remaining documents, with the exception of the 39 documents (and duplicates) released both in electronic form on CD-ROMs (Committee Print 105-U), and on the Committee's site on the World Wide Web (http://www.house.gov/commerce).

ELECTRONIC COMMERCE INITIATIVE

In early 1998, Chairman Bliley announced that the Committee would be undertaking a long-term initiative on electronic commerce. The goals of this initiative were to familiarize members of the Committee on Commerce about electronic commerce and its growing importance, help Congress better understand the multitude of electronic commerce issues, and lay the groundwork for the Committee's future legislative agenda.

As part of the Committee's electronic commerce initiative, the Committee held eleven hearings exploring a variety of electronic commerce issues. Two of the electronic commerce hearings were held in the Full Committee, five in the Subcommittee on Telecommunications, Trade, and Consumer Protection, two in the Subcommittee on Finance and Hazardous Materials, and one each in the Subcommittee on Health and the Environment and the Subcommittee on Energy and Power. Please refer to the sections of this report describing each Subcommittee's activities for further information on the electronic commerce hearings held in the Subcommittees.

The Full Committee's first electronic commerce hearing, held on April 30, 1998, focused on the rise and growing importance of electronic commerce to our nation's economy. The Committee examined the economic impact of electronic commerce on consumers and the economy, consumer acceptance of electronic commerce, the role of government in electronic commerce, and the future direction of electronic commerce. Witnesses included executives from companies currently conducting electronic commerce and observers of electronic commerce from academia, the media, and the financial community.

The Full Committee's second electronic commerce hearing, on July 30, 1998, focused on global electronic commerce issues. The hearing examined the current status of international talks on electronic commerce, the role of electronic commerce in international trade, the impending European Union data protection directive, and the role of electronic commerce in promoting democracy and free market philosophy around the world. Witnesses included the Honorable William Daley, Secretary of Commerce, and representatives from the public policy community and from businesses engaged in electronic commerce both in the United States and abroad.

EDUCATION AND TECHNOLOGY INITIATIVES

Over the past decade, schools and libraries have become more dependent on telecommunications technologies as educational tools and resources. In general, telecommunications technologies include the traditional forms of communications such as computers, tele-

phones, and cable television and also include a vast array of new technologies such as access to the Internet, ISDN, Ethernets, and interactive software. The Federal government has been a strong supporter of providing technology in the classrooms. Today, there are a number of programs either funded directly by or created pursuant to Federal legislation that provide funding for telecommunications technology. Some of these programs provide funding exclusively for technology, while other programs provide funding for an entire host of uses, of which, advanced technologies may be included. In May 1998, the General Accounting Office (GAO) identified 40 programs in nine Federal departments and agencies that provide funding assistance for uses that could include telecommunications technologies and related services for schools and libraries. Together, these programs provided an estimated $10 billion in funding assistance in Fiscal Year 1997, although GAO could not specify with any certainty the actual amount spent on technologies. GAO's estimates also did not include a discussion of the Federal Communications Commission's e-rate program which is expected to distribute approximately $2 billion annually in subsidies to schools and libraries.

On July 14, 1998, Commerce Committee Chairman Bliley and Education and the Workforce Committee Chairman Goodling requested that the GAO update its prior May findings and conduct an in-depth study of all Federal programs that provide assistance to schools or libraries for education and technology uses. In addition, the request required the GAO to determine which programs may overlap with one another and to determine where administrative efficiencies can be gained.

In addition to Federal governmental programs, the private sector has made, and continues to make, valuable contributions to schools and libraries in the form of telecommunications equipment, telecommunications services, internal connections, and access to the Internet. Many communities and States also are involved in efforts to provide technology to their schools and classrooms.

On September 16, 1998, the Full Committee held a joint hearing with the Committee on Education and the Workforce on Education and Technology Initiatives. The hearing focused on both Federal and private sector efforts that help schools and/or libraries with access to telecommunications technologies. Testimony was received from representatives of the Department of Education, telecommunications companies, the General Accounting Office, and local libraries and school districts.

IMPLEMENTATION OF THE FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

On October 7, 1998, the Full Committee held a hearing on the Implementation of the Food and Drug Administration Modernization Act of 1997 (Modernization Act) (Public Law 105-115). The Modernization Act represents a historic achievement of substantive Food and Drug Administration (FDA) reforms, and among other things, streamlines the approval process for pharmaceutical and medical device products, and eliminates several unnecessary regulatory burdens.

This hearing was held to mark the one year anniversary of the House passage of the Modernization Act, and primarily considered the following questions: (1) what impact the Modernization Act has had on the pharmaceutical, medical device, and biotechnology industries; (2) whether FDA has implemented the Modernization Act's mandates consistent with Congress' intent; and (3) what impact the Modernization Act has had on the way FDA is able to face the challenges of rapid product innovation to ensure the safety and quality of the medicines we take and the medical devices we use. The Full Committee received testimony from representatives of the Food and Drug Administration, including Acting FDA Commissioner Michael A. Friedman. Testimony was also received from representatives of the pharmaceutical, biotechnology, and medical device industries, as well as from individual patients who have received beneficial drugs and devices as a result of procedures established by the Modernization Act.

HEARINGS HELD

The Tobacco Settlement: Views of the Administration and the State Attorneys General.—Oversight Hearing on the Tobacco Settlement: Views of the Administration and the State Attorneys General. Hearing held on November 13, 1997. PRINTED, Serial Number 105-56.

The Tobacco Settlement: Views of Tobacco Industry Executives.—Oversight Hearing on the Tobacco Settlement: Views of Tobacco Industry Executives. Hearing held on January 29, 1998. PRINTED, Serial Number 105-68.

Electronic Commerce—Part 1.—Oversight Hearing on Electronic Commerce: The Marketplace of the 21st Century. Hearing held on April 30, 1998. PRINTED, Serial Number 105-111.

Electronic Commerce—Part 1.—Oversight Hearing on Electronic Commerce: The Global Electronic Marketplace. Hearing held on July 30, 1998. PRINTED, Serial Number 105-111.

Education and Technology Initiatives.—Joint Oversight Hearing with the Committee on Education and the Workforce on Education and Technology Initiatives. Hearing held on September 16, 1998. PRINTED, Serial Number 105-118.

Implementation of the Food and Drug Administration Modernization Act of 1997.—Oversight Hearing on the Implementation of the Food and Drug Administration Modernization Act of 1997. Hearing held on October 7, 1998. PRINTED, Serial Number 105-136.

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE AND CONSUMER PROTECTION

(Ratio 16-13)

W.J. "BILLY" TAUZIN, Louisiana, *Chairman*

MICHAEL G. OXLEY, Ohio
Vice Chairman
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
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NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICK WHITE, Washington
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico
TOM BLILEY, Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
BART GORDON, Tennessee
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
THOMAS J. MANTON, New York
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
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; interstate and foreign commerce, including trade matters within the jurisdiction of the full committee; regulation of commercial practices (the FTC); consumer affairs and consumer protection in general; consumer product safety (the CPSC); product liability; and motor vehicle safety.

LEGISLATIVE ACTIVITIES

BALANCED BUDGET ACT OF 1997

Public Law 105-33 (H.R. 2015, S. 947)

(Title III—Telecommunications and Spectrum Allocation Provisions)

To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Summary

Title III of Public Law 105-33, the Balanced Budget Act of 1997, contains three main provisions which fall within the jurisdiction of the Committee on Commerce. First, it extends the Federal Communications Commission's (FCC's) auction authority through the end of Fiscal Year 2007. It also broadens the FCC's auction authority by requiring all radio-based licenses for which mutually exclusive applications are filed with the FCC to be assigned by means of competitive bidding, unless the license is intended for a service which is exempted from the FCC's auction authority. It also directs the FCC and the National Telecommunications and Information

Administration (NTIA) collectively to reallocate 120 megahertz (MHz) of spectrum located below 3 gigahertz (GHz) for commercial use, and to assign through competitive bidding the licenses to use the newly allocated spectrum. The FCC is further charged with ensuring that the public recovers a minimum level of receipts.

Second, Title III establishes a statutory framework for both auctioning and recapturing the 78 MHz of spectrum that current television broadcast licensees formerly transmitted in analog format. It precludes the FCC from renewing any analog license beyond December 31, 2006, unless certain conditions are shown to exist, including evidence that a material number of households in a given market continue to rely exclusively on over-the-air analog signals. The licenses to use the recaptured 78 MHz of spectrum will be assigned through competitive bidding beginning in 2001. The FCC must ensure that the public recovers a minimum level of receipts.

Finally, Title III allocates and assigns the 60 MHz of spectrum located between television broadcast channels 60 through 69 to public safety services and for general commercial use. The FCC is directed to set aside up to 24 MHz of the 60 MHz total for public safety, and the remaining 36 MHz for general commercial use is to be assigned by means of competitive bidding. With regard to the 36 MHz slated for auction, the FCC must ensure that the public recovers a minimum level of receipts.

Legislative History

The Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on February 12, 1997, which addressed a number of issues relating to spectrum management policy, including proposals to expand the FCC's auction authority and the transition to digital television.

On June 5, 1997 and June 10, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session to consider a Committee Print entitled "Title III, Subtitle D—Communications". On June 10, 1997, the Committee Print was approved for Full Committee consideration, amended, by a roll call vote of 13 yeas to 12 nays.

The Full Committee met in open markup session to consider the Committee Print on June 11, 1997. The Committee approved the Committee Print entitled "Title III, Subtitle D—Communications" for transmittal to the Committee on the Budget, amended, for inclusion in the Balanced Budget Act of 1997, by a voice vote, a quorum being present.

On June 17, 1997, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on the Budget transmitting the Committee Print for inclusion in the Balanced Budget Act of 1997. The provisions of the Committee Print were included in the text of Title III of H.R. 2015 as reported to the House by the Committee on the Budget on June 24, 1997 (H. Rpt. 105-149).

The Committee on Rules met on June 24, 1997, and granted a rule providing for the consideration of H.R. 2015. The rule was filed in the House as H. Res. 174. On June 25, 1997, the House passed H. Res. 174 by a roll call vote of 228 yeas to 200 nays.

The House considered H.R. 2015 on June 25, 1997, and passed the bill, amended, by a roll call vote of 270 yeas to 162 nays. On June 25, 1997, H.R. 2015 was received in the Senate and read twice.

On June 20, 1997, the Senate Committee on the Budget reported a companion bill to the Senate, which was introduced in the Senate as S. 947 (No Written Report). Pursuant to a unanimous consent request agreed to on June 20, 1997, the Senate began consideration of S. 947 on June 23, 1997. The Senate considered S. 947 on June 23, June 24, and June 25, 1997; and on June 25, 1997, passed S. 947 by a roll call vote of 73 yeas to 27 nays. Pursuant to a unanimous consent request agreed to on June 24, 1997, the Senate, on June 25, 1997, then proceeded to the immediate consideration of H.R. 2015, struck all after the enacting clause and inserted in lieu thereof the text of S. 947 as passed by the Senate, and passed H.R. 2015. By unanimous consent, the Senate postponed further consideration of S. 947.

On June 27, 1997, the Senate insisted on its amendment to H.R. 2015, requested a conference with the House, and appointed conferees. On July 10, 1997, the House disagreed to the Senate amendment to H.R. 2015, agreed to a conference with the Senate, and appointed conferees. A motion to instruct the conferees was agreed to by a roll call vote of 414 yeas to 14 nays. Members of the Committee on Commerce were appointed as conferees. On July 30, 1997, the conference report on H.R. 2015 was filed in the House (H. Rpt. 105-347).

On July 29, 1997, the Committee on Rules met and granted a rule waiving clause 4(b) of Rule XI (requiring a 2/3 vote to consider a rule on the same day it is reported by the Committee on Rules) with respect to the rule on H.R. 2015, or amendments in disagreement reported before August 3, 1997, and the rule on H.R. 2014 or amendments in disagreement reported before August 3, 1997. The rule was filed in the House as H. Res. 201. On July 30, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2015. The rule was filed in the House as H. Res. 202. On July 30, 1997, the House passed H. Res. 201 by a roll call vote of 237 yeas to 187 nays. The House then passed H. Res. 202 by a voice vote. Finally, on July 30, 1997, the House agreed to the conference report on H.R. 2015 by a roll call vote of 346 yeas to 85 nays.

The Senate considered the conference report on H.R. 2015 on July 30, and July 31, 1997; and on July 31, 1997, passed the conference report by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2015 was presented to the President on August 1, 1997. On August 5, 1997, the President signed H.R. 2015 into law (Public Law 105-33).

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Public Law 105-42 (H.R. 408, S. 39)

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. 408 provides for the implementation of the Declaration of Panama, a treaty signed by the United States and 11 other nations in 1995. It is similar to legislation considered in the 104th Congress, H.R. 2823.

Section 5 of H.R. 408 amends the Dolphin Protection Consumer Information Act (16 U.S.C. § 1385) regarding the circumstances in which tuna products may be labeled "dolphin safe," including requiring certain statements by a vessel's captain, or in certain instances, a vessel's captain and an observer. The legislation also directs the Secretary of Commerce (the Secretary) to develop an official mark to label tuna products as dolphin safe and specifies the circumstances in which the mark may be used. The provisions mandate implementing regulations, including regulations establishing a domestic tracking and verification program. It also directs the Secretary to make findings regarding whether the intentional deployment on, or encirclement of, dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. Finally, it sets forth circumstances in which the captain's and observer's statements must be that no dolphins were killed or seriously injured during the sets in which the tuna were caught.

Legislative History

H.R. 408 was introduced in the House by Mr. Gilchrest and six cosponsors on January 9, 1997. The bill was referred solely to the Committee on Resources.

On April 16, 1997, the Committee on Resources ordered H.R. 408 reported to the House, amended, by a voice vote. On April 23, 1997, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Resources indicating that H.R. 408 included several provisions within the jurisdiction of the Committee on Commerce. The Chairman stated, however, that the Committee on Commerce had reviewed the action taken by the Committee on Resources 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. 408, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On April 24, 1997, the Chairman of the Committee on Resources sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional prerogatives with respect to H.R. 408. The Committee on Resources reported H.R. 408 to the House on April 24, 1997 (H. Rpt. 105-74, Part 1.)

On April 24, 1997, H.R. 408 was referred, sequentially, to the Committee on Ways and Means for a period ending not later than May 5, 1997. On April 30, 1997, the Committee on Ways and Means ordered H.R. 408 reported to the House, without amendment, by a roll call vote of 28 yeas to 9 nays. The Committee on Ways and Means reported H.R. 408 to the House on May 1, 1997 (H. Rpt. 105-74, Part 2).

The Committee on Rules met on May 20, 1997, and granted a rule providing for the consideration of H.R. 408. The rule was filed

in the House as H. Res. 153. The House passed H. Res. 153 on May 21, 1997, by a voice vote.

The House considered H.R. 408 on May 21, 1997 and passed the bill, amended, by a roll call vote of 262 yeas to 166 nays. On May 22, 1997, H.R. 408 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

On January 21, 1997, Mr. Stevens and three cosponsors introduced S. 39, a companion bill, in the Senate. The bill was read twice and referred to the Senate Committee on Commerce, Science, and Transportation. On June 26, 1997 the Senate Committee on Commerce, Science, and Transportation ordered S. 39 reported to the Senate, amended. The Senate Committee on Commerce, Science, and Transportation reported S. 39 to the Senate on July 14, 1997 (No Written Report).

On July 30, 1997, the Senate considered S. 39, and passed the bill by a roll call vote of 99 yeas to 0 nays. By unanimous consent, the Senate Committee on Commerce, Science, and Transportation was then discharged from further consideration of H.R. 408. On July 30, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 408, struck all after the enacting clause, and inserted in lieu thereof the text of S. 39, as passed by the Senate. On September 2, 1997, the Senate vitiated passage of S. 39 and indefinitely postponed further consideration of the bill.

On July 31, 1997, by unanimous consent, the House agreed to the Senate amendment to H.R. 408, clearing the measure for the President.

On August 4, 1997, H.R. 408 was presented to the President. The President signed H.R. 408 into law on August 15, 1997 (Public Law 105-42).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Public Law 105-85 (H.R. 1119, S. 936, S. 924, S. Con. Res. 64)

(Telecommunications Provisions)

To authorize appropriations for fiscal year 1998 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 105-85 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including one provision dealing with a telecommunications related issue. Members of the Committee on Commerce were appointed as conferees on this provision and participated in the conference negotiations which led to the agreement contained in H.R. 1119.

Section 1074 endorses and enacts into law the presidential policy on the sustainment and operation of the Global Positioning System (GPS) issued in March 1996. The section also directs the Secretary of Defense not to accept any restriction on the GPS system proposed by the head of any other department or agency in the exer-

cise of that official's regulatory authority that would adversely affect the military potential of GPS.

Legislative History

H.R. 1119 was introduced in the House by Representatives Spence and Dellums on March 19, 1997, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 1119 on June 11, 1997, and ordered the bill reported to the House, amended, by a roll call vote of 51 yeas to 3 nays. On June 16, 1997, the Committee on National Security reported H.R. 1119 to the House (H. Rpt. 105-132).

The Committee on Rules met on June 18, 1997, and granted a rule providing for the consideration of H.R. 1119. The rule was filed in the House as H. Res. 169. On June 19, 1997, the House passed H. Res. 169, amended, by a roll call vote of 322 yeas to 101 nays.

The House considered H.R. 1119 on June 19, June 20, June 23, June 24, and June 25, 1997; and on June 25, 1997, passed the bill, as amended by a roll call vote of 304 yeas to 120 nays. On July 7, 1997, H.R. 1119 was received in the Senate, read twice, and placed on the Senate Calendar.

On June 17, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 924 and placed on the Senate Calendar (S. Rpt. 105-29). On June 18, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 936 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 936 on June 19, June 20, July 7, July 8, July 9, July 10, and July 11, 1997. On July 11, 1997, the Senate passed S. 936, amended, by a roll call vote of 94 yeas to 4 nays. On July 11, 1997, by unanimous consent, the Senate agreed to a request that S. Rpt. 105-29, the report to accompany S. 924, be deemed to be the report to accompany S. 936. The Senate then, by unanimous consent, took H.R. 1119 from the Senate Calendar and passed the bill, amended with the text of S. 936 as passed by the Senate. The Senate insisted on its amendment to H.R. 1119, requested a conference with the House, and appointed conferees.

On July 25, 1997, the House disagreed to the Senate amendment to H.R. 1119, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The House, on July 25, 1997, also agreed by a roll call vote of 414 yeas to 0 nays to a motion to instruct the conferees and, by a roll call vote of 409 yeas to 1 nay, agreed to a motion to close portions of the conference.

On September 5, 1997, the House agreed to a second motion to instruct the conferees by a roll call vote of 261 yeas to 150 nays. The conference report on H.R. 1119 was filed in the House on October 23, 1997 (H. Rpt. 105-340).

On October 23, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 1119. The rule was filed in the House as H. Res. 278. On October 28, 1997, the House passed H. Res. 278 by a roll call vote of 353 yeas to 59 nays.

The House agreed to the conference report by a roll call vote of 286 yeas to 123 nays on October 28, 1997. The Senate agreed to the conference report by a roll call vote of 90 yeas to 10 nays on November 6, 1997.

On November 6, 1997, the Senate also agreed to S. Con. Res. 64, a resolution to provide for corrections in the enrollment of H.R. 1119, pursuant to a unanimous consent request agreed to on October 31, 1997. S. Con. Res. 64 was received in the House on November 6, 1997, and held at the desk. No further action was taken on S. Con. Res. 64.

H.R. 1119 was presented to the President on November 6, 1997. The President signed H.R. 1119 into law on November 18, 1997 (Public Law 105-85).

DESIGNATION OF COMMON CARRIERS NOT SUBJECT TO THE JURISDICTION OF A STATE COMMISSION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS

Public Law 105-125 (S. 1354)

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

Summary

The bill amends the Communications Act of 1934 to direct the Federal Communications Commission (FCC), upon request, to designate a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission as an eligible telecommunications carrier (eligible to receive universal service support) for a telephone service area designated by the FCC. Under the bill, the FCC is required to find that such designation is in the public interest.

Legislative History

On October 31, 1997, Mr. McCain and four cosponsors introduced S. 1354 in the Senate. The bill was read twice and referred to the Senate Committee on Commerce, Science and Transportation. On November 4, 1997, the Senate Committee on Commerce, Science and Transportation ordered S. 1354 reported to the Senate, without amendment. The Senate Committee on Commerce, Science and Transportation reported S. 1354 to the Senate on November 8, 1997 (No Written Report).

On November 9, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of S. 1354, and passed the bill.

S. 1354 was received in the House on November 12, 1997, and referred solely to the Committee on Commerce. On November 13, 1997, the House considered S. 1354 under Suspension of the Rules, thereby discharging the Committee from further consideration of S. 1354. The House passed the bill by a voice vote, clearing the measure for the President.

On November 19, 1997, S. 1354 was presented to the President. The President signed S. 1354 into law on December 1, 1997 (Public Law 105-125).

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Public Law 105-178 (H.R. 2400, S. 1173)

(Motor Vehicle Safety Provisions)

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Summary

Public Law 105-178 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several dealing with motor vehicle safety 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. 2400.

Subtitle (A) of Title VII of Public law 105-178 (TEA 21) includes much of the legislative language of H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, as passed the House. The provisions include language requiring the Secretary of Transportation to issue a final rule to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard (FMVSS) No. 208 while minimizing the risk to infants, children, and other occupants from any risks associated with air bags, by means that include advanced air bags. That rule is to be promulgated according to a specified timetable, beginning with the advance notice of proposed rulemaking issued no later than September 1, 1998, and a final rule issued no later than September 1, 1999.

The Act also: (1) authorizes appropriations for National Highway Traffic Safety Administration's (NHTSA's) automobile and safety programs in the total amount of $87.4 million in each Fiscal Year 1999 through 2001; (2) prohibits the use of those funds for the "lobbying" of State legislators or officials; (3) amends the American Automobile Labeling Act (49 U.S.C. § 30204) to make certain changes in the labeling requirement and the domestic content calculations; (4) makes certain changes to the Odometer Disclosure Act to clarify the odometer disclosure requirements for certain transactions involving rental car companies and the sale of certain vehicles, such as heavy trucks; and (5) makes numerous other minor changes to NHTSA's authorizing statutes in response to requests from the Administration.

The subtitle reinstates NHTSA's authority to exempt certain motor vehicles imported for show or display from certain applicable motor vehicle safety standards, and directs NHTSA to conduct a study of the potential benefit of requiring the installation of a safety device in the trunk compartment to release the trunk lid from the inside.

Legislative History

H.R. 2400 was introduced in the House on September 4, 1997, by Mr. Shuster and three cosponsors. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget.

On March 24, 1998, the Committee on Transportation and Infrastructure met to consider H.R. 2400, and ordered the bill reported to the House, amended, by a roll call vote of 69 yes to 0 nays. On March 25, 1998, the Committee on Transportation and Infrastructure reported H.R. 2400 to the House (H. Rpt. 105-467, Part 1). On March 25, 1998, the referral of H.R. 2400 to the Committee on the Budget was extended for a period ending not later than March 27, 1998. On March 25, 1998, H.R. 2400 was also referred, sequentially, to the Committee on Ways and Means for a period ending not later than March 27, 1998.

On March 25, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Transportation and Infrastructure indicating that H.R. 2400, as ordered reported, included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that, in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 2400, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation. On March 25, 1998, the Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to H.R. 2400.

On March 26, 1998, the Committee on Ways and Means considered H.R. 2400, and ordered the bill reported to the House, amended, by a voice vote.

On March 27, 1998, the Committee on Transportation and Infrastructure filed a supplemental report on H.R. 2400 in the House (H. Rpt. 105-467, Part 2). On March 27, 1998, the Committee on Ways and Means reported H.R. 2400 to the House (H. Rpt. 105-467, Part 3). On March 27, 1998, the Committee on the Budget was discharged from further consideration of H.R. 2400.

On March 31, 1998, the Committee on Rules met and granted a rule providing for the consideration of H.R. 2400. The rule was filed in the House as H. Res. 405. The House passed H. Res. 405 on April 1, 1998, by a roll call vote of 357 yeas to 61 nays. The House considered H.R. 2400 on April 1, 1998, and passed the bill, amended, by a roll call vote of 337 yeas to 80 nays.

On April 1, 1998, the House also agreed to a unanimous consent request if a message arrived from the Senate indicating that the Senate had passed H.R. 2400, with an amendment, insisted on its amendment, and requested a conference with the House, that the House be deemed to have disagreed to the Senate amendment, agreed to the conference with the Senate, and that the Speaker appointed conferees without any intervening motion. The unanimous consent request also provided for a motion to instruct conferees to be offered on the House Floor during the week of April 21, 1998, and provided that the managers could not file a conference report prior to April 22, 1998. H.R. 2400 was received in the Senate on April 2, 1998, and read twice.

On September 12, 1997, S. 1173, a companion bill, was introduced in the Senate by Mr. Warner and fourteen cosponsors. The bill was read twice and referred to the Senate Committee on Environment and Public Works. On September 17, 1997, the Senate

Committee on Environment and Public Works considered S. 1173 and ordered the bill reported to the Senate, amended. On October 1, 1997, the Senate Committee on Environment and Public Works reported S. 1173 to the Senate (S. Rpt. 105-95). The Senate considered S. 1173 on October 8, October 20, October 21, October 22, October 23, October 24, October 28, and October 29, 1997. On October 29, 1997, S. 1173 was returned to the Senate Calendar.

On February 26, 1998, the Senate began consideration of S. 1173 again, and considered the bill on February 26, February 27, March 2, March 3, March 4, March 5, March 6, March 9, March 10, March 11, and March 12, 1998. On March 12, 1998, the Senate adopted an modified committee amendment in the nature of a substitute. S. 1173 was then read for the third time and again returned to the Senate Calendar. On April 2, 1998, pursuant to a unanimous consent request agreed to on March 12, 1998, the Senate proceeded to the immediate consideration of H.R. 2400, struck all after the enacting clause and inserted in lieu thereof the text of S. 1173 as amended by the Senate, and passed H.R. 2400. By unanimous consent, the Senate indefinitely postponed S. 1173.

On April 2, 1998, the Senate insisted on its amendment to H.R. 2400, requested a conference with the House, and appointed conferees. On April 3, 1998, pursuant to the unanimous consent agreement of April 1, 1998, the House disagreed to the Senate amendment to H.R. 2400, agreed to a conference with the Senate, and appointed conferees. On April 22, 1998, the Speaker appointed additional conferees from the Committee on Commerce. On April 23, 1998, the Speaker appointed additional conferees from the Committee on Science. On May 6, 1998, the Speaker appointed additional conferees from the Committee on Ways and Means and the Committee on the Budget. On May 20, 1998, a motion to instruct conferees passed by a roll call vote of 422 yeas to 0 nays. On May 21, 1998, a motion to instruct conferees was defeated by a roll call vote of 77 yeas to 332 nays, with 1 voting present. On May 21, 1998, a second motion to instruct conferees also was defeated by a roll call vote of 156 yeas to 251 nays, with 2 voting present. On May 22, 1998, the conference report on H.R. 2400 was filed in the House (H. Rpt. 104-550).

During discussion of the provisions on which Members of the Committee on Commerce were appointed the managers on the part of both the House and the Senate agreed to accept Senate language addressing air bags, with some modifications, and also to include many of the provisions reauthorizing NHTSA that were contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, as passed by the House. These provisions were included in subtitle (A) of title VII of the conference report.

On May 22, 1998, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2400. The rule was filed in the House as H. Res. 449. On May 22, 1998, the House passed H. Res. 449 by a roll call vote of 359 yeas to 29 nays. On May 22, 1998, the House also agreed to the conference report on H.R. 2400 by a roll call vote of 397 yeas to 86 nays.

The Senate agreed to the conference report on H.R. 2400 on May 22, 1998 by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2400 was presented to the President on May 28, 1998. On June 9, 1998, the President signed H.R. 2400 into law (Public Law 105-178).

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998

Public Law 105-206 (H.R. 2676)

(Title IX—Technical Corrections to the Transportation Equity Act for the 21st Century)

To amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

Summary

After the passage of the Transportation Equity Act for the 21st Century (TEA 21, Public Law 105-178), a number of technical errors were discovered in the text, including an error in the section addressing the ability of the National Highway Traffic Safety Administration (NHTSA) to lobby State legislators. The conference report inadvertently left out language limiting the lobbying restriction to NHTSA, therefore applying the restriction to the entire Department of Transportation. Title IX of Public Law 105-206 restores the language to that intended by the conferees.

Legislative History

H.R. 2676 was introduced in the House by Mr. Archer and two cosponsors on October 21, 1997. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, and the Committee on Rules.

The Committee on Ways and Means met to consider H.R. 2676 on October 22, 1997, and ordered the bill reported to the House, amended, by a roll call vote of 33 yeas to 4 nays. On October 31, 1997, the Committee on Ways and Means reported H.R. 2676 to the House (H. Rpt. 105-364, Part 1). On October 31, 1997, the Committee on Government Reform and Oversight and the Committee on Rules were discharged from further consideration of H.R. 2676.

The Committee on Rules met on November 4, 1997, and granted a rule providing for the consideration of H.R. 2676. The rule was filed in the House as H. Res. 303. The House passed H. Res. 303 on November 5, 1997, by a voice vote.

The House considered H.R. 2676 on November 5, 1997, and passed the bill by a roll call vote of 426 yeas to 4 nays. On November 6, 1997, H.R. 2676 was received in the Senate, read twice, and referred to the Senate Committee on Finance.

On March 31, 1998, the Senate Committee on Finance met to consider H.R. 2676, and ordered the bill reported to the Senate, amended. On April 22, 1998, the Senate Committee on Finance reported H.R. 2676 to the Senate (S. Rpt. 105-174). The Senate considered H.R. 2676 on May 5, May 6, and May 7, 1998. On May 7, 1998, the Senate passed H.R. 2676, amended, by a roll call vote of

97 yeas to 0 yeas. The Senate insisted on its amendments to H.R. 2676 and requested a conference with the House. On May 13, 1998, the Senate appointed conferees.

On May 22, 1998, the House disagreed to the Senate amendments to H.R. 2676, agreed to a conference with the Senate, and appointed conferees. The House, on May 22, 1998, also agreed, by a roll call vote of 388 yeas to 1 nay, to a motion to instruct conferees.

The conference report on H.R. 2676 was filed in the House on June 24, 1998 (H. Rpt. 105-599). On June 25, 1998, a motion to recommit the conference report to the conference failed in the House by a roll call vote of 116 yeas to 292 nays. The House agreed to the conference report by a roll call vote of 402 yeas to 8 nays on June 25, 1998. On July 7, July 8, and July 9, 1998, the Senate considered the conference report on H.R. 2676. On July 9, 1998 the Senate agreed to the conference report by a roll call vote of 96 yeas to 2 nays.

H.R. 2676 was presented to the President on July 21, 1998. The President signed H.R. 2676 into law on July 22, 1998 (Public Law 105-206).

BIOMATERIALS ACCESS ASSURANCE ACT OF 1998

Public Law 105-230 (H.R. 872, S. 648)

To establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

Summary

H.R. 872 excludes a biomaterials supplier from liability for harm to a claimant from an implant unless such supplier is a manufacturer of the implant, a seller of the implant, or failed to meet applicable contract requirements or specifications in providing its biomaterials. A defendant can move to dismiss itself from an action on the grounds that it is a biomaterials supplier and it is not liable (1) as a manufacturer, (2) as a supplier, (3) for furnishing raw materials or component parts that failed to meet applicable contractual requirements or specifications, or (4) because the claimant did not name the manufacturer as a party to the action. No discovery is allowed in the case after such a motion to dismiss is filed, except for discovery related to jurisdictional issues and limited discovery relevant to a claim that the biomaterials supplier failed to furnish materials or parts for the implant that met applicable contractual requirements or specifications.

The court is required to rule on the motion to dismiss solely on the basis of the pleadings and any relevant affidavits submitted, granting such motion unless the claimant demonstrates that the defendant is not a biomaterials supplier, or the court determines that the defendant may be liable as a manufacturer, seller, or for failure to meet applicable contractual requirements or specifications, or because the claimant failed to name the manufacturer as a party to the action.

A manufacturer or claimant may, within 90 days after entry of a judgment, file a motion to implead back into the case a biomate-

rials supplier who had earlier been dismissed pursuant to this Act. A biomaterials supplier impleaded after dismissal may supplement the records of the proceeding, and may only be found liable to the extent required and permitted under applicable law.

Legislative History

On February 27, 1997, Mr. Gekas and 27 cosponsors introduced H.R. 872 in the House. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on April 30, 1997 on Product Liability Reform: How the Legal Fee Structure Affects Consumer Compensation, specifically focusing on biomaterials issues. Testimony was received from injured persons with medical implants relying on biomaterials supplies, an author of a study on biomaterials supplies availability, a medical device manufacturer, and patient advocates.

The Committee on the Judiciary met to consider H.R. 872 on April 1, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 22, 1998, the Committee on the Judiciary reported H.R. 872 to the House (H. Rpt. 105-549, Part 1). On May 22, 1998, the referral of H.R. 872 to the Committee on Commerce was extended for a period ending not later than July 14, 1998.

On June 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection considered H.R. 872, 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. 872 on June 24, 1998, and ordered the bill reported to the House, as amended, by a voice vote, a quorum being present. On July 14, 1998, the Committee on Commerce reported H.R. 872 to the House (H. Rpt. 105-549, Part 2).

On April 24, 1997, Mr. Gorton and four cosponsors introduced companion legislation, S. 648, in the Senate. S. 648 was read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. On May 1, 1997, the Senate Committee on Commerce, Science, and Transportation ordered S. 648 reported to the Senate, without amendment. The Senate Committee on Commerce, Science, and Transportation reported S. 648 to the Senate on June 19, 1997 (S. Rpt. 105-32). The Senate began consideration of S. 648 on July 7, 1998, but did not complete consideration and returned S. 648 to the Senate Calendar.

On July 30, 1998, the House considered H.R. 872 under Suspension of the Rules and passed the bill, amended, by a voice vote. On July 30, 1998, H.R. 872 was received in the Senate, read twice, read a third time, and passed by unanimous consent.

H.R. 872 was presented to the President on August 4, 1998. The President signed H.R. 872 into law on August 13, 1998 (Public Law 105-230).

FASTENER QUALITY ACT AMENDMENTS

Public Law 105-234 (H.R. 3824)

Amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

Summary

Public Law 105-234 amends the Fastener Quality Act (15 U.S.C. § 5401) to exempt fasteners specifically manufactured or altered for use on an aircraft from certain testing and certification requirements if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration (FAA). The bill declares that such an exemption shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards or specifications established by a consensus standards organization or a Federal agency other than the FAA.

The legislation also delays the implementation of regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology (NIST) on April 14, 1998, as well as any other regulations issued relating to the subject of fasteners, until after June 1, 1999, or 120 days after the Secretary of Commerce reports to the Committee on Commerce and the Committee on Science of the House of Representatives on: (1) changes in fastener manufacturing processes that have occurred since enactment of the Act; (2) a comparison of the Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and (3) any further revisions to the Act that may be warranted because of such reported changes.

Legislative History

H.R. 3824 was introduced in the House by Mr. Sensenbrenner and two cosponsors on May 11, 1998. The bill was referred to the Committee on Science, and in addition to the Committee on Commerce.

The Committee on Science met to consider H.R. 3824 on May 13, 1998, and ordered the bill reported to the House, amended, by a voice vote. On June 3, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Science indicating that, based on an agreement reached between the two Committees, and in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek an extension of its referral of H.R. 3824, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation, with the understanding that the Science Committee would make certain amendments to the measure when it was brought to the House floor.

On June 4, 1998, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Commerce confirming the agreement reached between the two Committees on H.R. 3824 and acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to this bill, and agreeing to make specified changes in the bill before it was brought to the House floor.

On June 9, 1998, the Committee on Science reported H.R. 3824 to the House (H. Rpt. 105-574, Part 1). On June 9, 1998, the referral of H.R. 3824 to the Committee on Commerce was extended for a period ending not later than June 9, 1998. On June 9, 1998, the

Committee on Commerce was discharged from further consideration of H.R. 3824.

On June 16, 1998, the House considered H.R. 3824 under Suspension of the Rules and passed the bill, amended, by a voice vote. H.R. 3824 was received in the Senate on June 18, 1998, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

On July 9, 1998, the Senate Committee on Commerce, Science, and Transportation met to consider H.R. 3824 and ordered the bill reported to the Senate, amended. On July 27, 1998, the Senate Committee on Commerce, Science, and Transportation reported H.R. 3824 to the Senate (S. Rpt. 105-267).

On July 31, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 3824 and passed the bill, amended. On August 6, 1998, by unanimous consent, the House agreed to the Senate amendment to H.R. 3824, clearing the measure for the President.

H.R. 3824 was presented to the President on August 10, 1998. The President signed H.R. 3824 into law on August 14, 1998 (Public Law 105-234).

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Public Law 105-261 (H.R. 3616, S. 2057, S. 2060)

(Telecommunications and Trade Provisions)

To authorize appropriations for fiscal year 1999 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 105-261 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including provisions dealing with telecommunications and trade 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. 3616.

Section 1064 of Public Law 105-261 requires the Secretary of Defense to report to the defense authorizing committees the costs to the Department of Defense (DOD) resulting from reallocations of the radio frequency spectrum authorized by DOD. The section requires that any entity that purchases any portion of the radio frequency spectrum previously reserved for use by any Federal agency, including DOD, and that the Federal agency has relinquished for sale or lease, shall reimburse the Federal agency for the cost incurred by the Federal government to make that portion of the frequency spectrum available. The section further requires a report in the annual budget request for each Federal department or agency that incurs costs for such frequency reallocations. Finally, the section exempts from the reimbursement requirement those portions of the Federal radio frequency spectrum identified for re-

allocation in the first reallocation report submitted to the President and Congress, except for reallocations of certain portions of that spectrum.

Title XXXVIII of Public Law 105-261, entitled "Fair Trade in Automotive Parts," sets forth the provisions of the Fair Trade in Automotive Parts Act of 1998. This title directs the Secretary of Commerce (the Secretary) to re-establish an initiative to increase the sale of United States made automotive parts and accessories to Japanese markets. It also directs the Secretary to establish a Special Advisory Committee on automotive parts sales in Japanese and other Asian markets in order to carry out this title. Functions of this committee are to include, with respect to sales of United States automotive parts in Japanese and other Asian markets, reporting to the Secretary on barriers to sales of such automotive parts, to review data on such sales, to advise the Secretary on issues relating to such sales, and to assist the Secretary in reporting to Congress by submitting an annual report to the Secretary regarding such sales. The authority for this title expires on December 31, 2003.

Legislative History

H.R. 3616 was introduced in the House by Representatives Spence and Skelton on April 1, 1998, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 3616 on May 6, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 12, 1998, the Committee on National Security reported H.R. 3616 to the House (H. Rpt. 105-532).

The Committee on Rules met on May 14, 1998, and granted a rule providing for the consideration of H.R. 3616. The rule was filed in the House as H. Res. 435. On May 19, 1998, the House passed H. Res. 435 by a voice vote. On May 19, 1998, the Committee on Rules met and granted a second rule providing for the further consideration of H.R. 3616. The rule was filed in House as H. Res. 441. On May 20, 1998, the House passed H. Res. 441 by a roll call vote of 304 yeas to 108 nays.

The House considered H.R. 3616 on May 19, May 20, and May 21, 1998; and on May 21, 1998, passed the bill, amended, by a roll call vote of 357 yeas to 60 nays. On May 22, 1998, H.R. 3616 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2060 and placed on the Senate Calendar (S. Rpt. 105-189). On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2057 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 2057 on May 13, May 14, June 18, June 19, June 22, June 23, June 24, and June 25, 1998. On June 25, 1998, the Senate passed S. 2057, amended, by a roll call vote of 88 yeas to 4 nays. S. 2057 was received in the House on July 20, 1998, and held at the desk. On October 21, 1998, S. 2057 was

referred to the House Committee on National Security. No further action was taken on S. 2057 in the 105th Congress.

On June 25, 1998, the Senate, by unanimous consent, took H.R. 3616 from the Senate Calendar and passed the bill, amended with the text of S. 2057 as passed by the Senate. The Senate insisted on its amendment to H.R. 3616, requested a conference with the House, and appointed conferees.

On July 22, 1998, the House disagreed to the Senate amendment to H.R. 3616, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On July 22, and July 23, 1998, the House considered a motion to instruct the conferees. On July 23, 1998, the House agreed to a motion to instruct the conferees by a roll call vote of 424 yeas to 0 nays, with 1 voting present. The House also agreed to a motion to close portions of the conference by a roll call vote of 412 yeas to 5 nays.

The conference report on H.R. 3616 was filed in the House on September 22, 1998 (H. Rpt. 105-736).

The Committee on Rules met on September 23, 1998, and granted a rule providing for the consideration of the conference report on H.R. 3616. The rule was filed in the House as H. Res. 549. On September 24, 1998, the House passed H. Res. 549 by a voice vote.

The House agreed to the conference report by a roll call vote of 373 yeas to 50 nays on September 24, 1998. The Senate considered the conference report on September 30, and October 1, 1998; and on October 1, 1998, the Senate agreed to the conference report by a roll call vote of 96 yeas to 2 nays.

H.R. 3616 was presented to the President on October 6, 1998. The President signed H.R. 3616 into law on October 17, 1998 (Public Law 105-261).

YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

Public Law 105-271 (S. 2392, H.R. 4455)

To encourage the disclosure and exchange of information about computer processing problems, test practices and test results, and related matters in connection with the transition to the year 2000.

Summary

S. 2392 provides that no Year 2000 Readiness Disclosure shall be admissible in any civil action unless the proponent of admissibility establishes that the Disclosure was knowingly false or misleading or that the Disclosure was republished from a third party without disclosure of republication and that no attempt was made to verify the original statement. S. 2392 prohibits a Year 2000 Disclosure Statement from being interpreted or construed as an amendment to or alteration of a written contract or warranty. In addition, S. 2392 authorizes Federal agencies to request the voluntary provision of information relating to Year 2000 and to protect such information from (1) disclosure to any third party, including disclosure under the Freedom of Information Act, and (2) use in any civil action.

S. 2392 provides that antitrust laws shall not apply to conduct, including making and implementing agreements solely for the pur-

pose of: (1) facilitating responses intended to correct or avoid a failure of Year 2000 processing in a computer system, including computer components and computer hardware and software; and (2) communicating or disclosing information to help correct or avoid the effects of Year 2000 processing failure. This antitrust exemption only applies to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001. In addition, this exemption does not apply with respect to conduct that involves or results in agreements to boycott any person, allocate a market, or fix prices or output.

S. 2392 applies to Year 2000 statements made beginning on July 14, 1998, and ending on July 14, 2001, and to Year 2000 readiness disclosures made beginning on the date of enactment of this Act and ending on July 14, 2001. A person or entity that published a Year 2000 statement between January 1, 1996, and the date of enactment of this Act may designate that Year 2000 statement as a Year 2000 readiness disclosure if: (1) the Year 2000 statement complied with the requirements of section 3(9) of this Act when made; and (2) within 45 days of enactment of this Act, the person or entity seeking the designation provides individual notice that the Year 2000 statement is being designated as a Year 2000 readiness disclosure and prominently posts notice on its Year 2000 website.

In addition, S. 2392 provides that the President's Year 2000 Council may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address Year 2000 problems and share information related to Year 2000 readiness.

Finally, S. 2392 directs the Administrator of General Services, in consultation with other Federal agencies, State and local governments, and other interested parties, to create and maintain until July 14, 2001, a national Year 2000 Website designed to assist consumers, small businesses and local governments in obtaining information from other governmental websites, hotlines or information clearinghouses about Year 2000 processing.

Legislative History

S. 2392 was introduced in the Senate by Mr. Bennett and four cosponsors on June 30, 1998. The bill was read twice and referred to the Senate Committee on the Judiciary. H.R. 4455, a companion bill, was introduced in the House by Mr. Dreier and eleven original cosponsors on August 6, 1998, and referred solely to the Committee on the Judiciary. On September 29, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker of the House indicating that H.R. 4455 included provisions within the jurisdiction of the House Committee on Commerce.

The Senate Committee on the Judiciary met to consider S. 2392 on September 17, 1998, and ordered the bill reported to the Senate, amended. On the same day, the Senate Committee on the Judiciary reported S. 2392 to the Senate (No Written Report).

On September 28, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 2392, and passed the bill, amended. S. 2393 was received in the House on September 29, 1998, and held at the desk.

On October 1, 1998, the House considered S. 2392 under Suspension of the Rules, and passed the bill by a voice vote, clearing the measure for the President.

S. 2392 was presented to the President on October 8, 1998. The President signed S. 2392 into law on October 19, 1998 (Public Law 105-271).

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Public Law 105-276 (H.R. 4194, S. 2168)

(Consumer Protection 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, 1999, and for other purposes.

Summary

Public Law 105-276 provides appropriations for Fiscal Year 1999 for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices. Additionally, the Act includes a number of provisions falling with the jurisdiction of the Committee on Commerce, including several provisions dealing with consumer protection issues.

Section 423 requires the Consumer Product Safety Commission (CPSC) to contract with the Committee on Toxicology of the National Academy of Sciences (NAS) to conduct an independent study of the potential toxicologic risks of all flame-retardant chemicals identified by the NAS and CPSC as likely candidates for use in residential upholstered furniture for the purpose of meeting regulations proposed by CPSC for flame resistance of residential upholstered furniture. The CPSC is required to consider the results of this study before promulgating any notice of proposed rulemaking or final rulemaking setting flammability standards for residential upholstered furniture.

Section 429 requires CPSC to propose for comment a revocation of the amendments to the standards for the flammability of children's sleepwear, and to issue a final rule not later than July 1, 1999. Section 429(b) directs the General Accounting Office to study children's burn incident data resulting from the ignition of children's sleepwear from small open flame sources. The United States Fire Administration is required to conduct a 12-month pilot project to promote the installation and maintenance of smoke detectors in the localities of highest risk for residential fires, and then to transmit the results of its pilot project to CPSC and the Congress.

The Chairman worked with the Members of the House and Senate Appropriations Committees to develop both of these provisions.

Legislative History

H.R. 4194 was introduced in the House on July 8, 1998, by Mr. Lewis, as an original measure, and reported to the House on the

same day by the Committee on Appropriations (H. Rpt. 105-610). The House considered H.R. 4194 on July 17, July 23, and July 29, 1998. On July 29, 1998, the House passed H.R. 4194, amended, by a roll call vote of 259 yeas to 164 nays.

On June 12, 1998, the Senate Committee on Appropriations reported S. 2168, a companion bill, to the Senate (S. Rpt. 105-216). The Senate considered S. 2168 on July 6, July 7, July 16, and July 17, 1998. On July 17, 1998, the Senate passed S. 2168, amended, by a voice vote.

On July 30, 1998, H.R. 4194 was received in the Senate. Pursuant to a unanimous consent agreement reached on July 16, 1998, the Senate proceeded to the immediate consideration of H.R. 4194; passed the bill amended with the text of S. 2168, as passed by the Senate on July 17, 1998; insisted on the Senate amendment to H.R. 4194; requested a conference with the House; and appointed conferees. Passage of S. 2168 was then vitiated and the bill was indefinitely postponed.

On September 15, 1998, the House disagreed to the Senate amendment to H.R. 4194, agreed to a conference with the Senate, and appointed conferees. The House, on September 15, 1998, also agreed by a roll call vote of 405 yeas to 0 nays to a motion to instruct the conferees. The conference report on H.R. 4194 was filed in the House on October 5, 1998 (H. Rpt. 105-769). On October 6, 1998, the House agreed to the conference report on H.R. 4194 by a roll call vote of 409 yeas to 14 nays. The Senate agreed to the conference report on H.R. 4194 on October 8, 1998, by a roll call vote of 96 yeas to 1 nay.

On October 10, 1998, H.R. 4194 was presented to the President. On October 21, 1998, the President signed H.R. 4194 into law (Public Law 105-276).

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

Public Law 105-277 (H.R. 4328, S. 2307)

(Telecommunications and Motor Vehicle Safety Provisions)

To make omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Summary

Public law 105-277 served as an omnibus continuing appropriations measure for those Federal agencies that did not have individual Fiscal Year 1999 appropriations measures enacted into law. Affected agencies and entities included the Departments of Agriculture, Justice, Commerce, State, Interior, Labor, Health and Human Services, Education, Transportation, and the Treasury. The bill also contained other Federal appropriations for the District of Columbia, foreign operations, military readiness, anti-terrorism, Year 2000 conversion of Federal information technology systems, counter-drug activities and interdiction, and other emergencies. Additionally, a number of legislative provisions, some within the jurisdiction of the Committee on Commerce, were included in Public Law 105-277.

Telecommunications Issues

Public Law 105-277 includes, in Division C-Other Matters, five titles affecting interstate and foreign communications. Title XI, entitled "Moratorium on Certain Taxes," provides that, for a period of three years, no State or political subdivision shall impose a tax on Internet access, unless such tax was generally imposed and actually enforced prior to October 1, 1998. The three year moratorium also applies to a State's or political subdivision's ability to impose multiple or discriminatory taxes on electronic commerce. Notwithstanding the "generally imposed and actually enforced" exception to the three year moratorium, the title adds two additional exceptions. The first exception states that the moratorium is not applicable to any entity that knowingly makes a communication for commercial purposes on the World Wide Web that is available to minors and contains any material that is harmful to minors, unless such entity restricts access to minors. An entity may restrict access to minors by requiring the use of a credit card, debit account, adult access code, adult personal identification number, digital certificate, or any other reasonable measure. The second exception states that the moratorium is not applicable to an Internet access provider, unless, at the time of entering into an agreement with a customer for the provision of Internet access services, such provider offers the customer screening software that is designed to permit the customer to limit access to material on the Internet that is harmful to minors.

Title XI also provides that during the course of the moratorium, a 19-member advisory commission shall be assembled to conduct a thorough study of Federal, State, local, and international taxation of transactions using the Internet and Internet access, and other comparable intrastate, interstate and international sales activities. The commission is required to report its findings to Congress within 18 months.

Title XII, entitled "Other Provisions," provides a number of miscellaneous provisions relating to taxation of the Internet. For example, this title contains several declarations that the Internet should be free of new Federal taxes and that it should be free of foreign tariffs, trade barriers, and other restrictions. This title also provides that the United States Trade Representative is required to consider the policies and practices of each foreign country that constitute significant barriers to United States electronic commerce.

Title XIII, entitled "Children's Online Privacy Protection," prohibits an operator of a website or online service directed to children, or any operator with actual knowledge, to collect personal information from a child. Under this title, the Federal Trade Commission (FTC) is given the authority to adopt regulations regarding the collection of certain information from children and to determine when parents are required to consent to the disclosure of personal information from children. Also, industry is given the opportunity to develop self-regulations that would govern the collection of personal information from children in lieu of the regulations developed by the FTC. With respect to enforcement, this title permits the attorney general of each State to bring a civil action on behalf of the residents of the State for violations of the FTC regulations. Finally,

this title requires the FTC to review its regulations not later than five years after the effective date of its initial regulations.

Title XIV, entitled "Child Online Protection," prohibits any person from making a communication on the World Wide Web for commercial purposes to any minor that includes material that is harmful to minors. Persons violating this title may be subject to criminal and civil penalties. The title specifically excludes telecommunications carriers, Internet service providers, and other entities not involved in the selection or alteration of the content of the communication from being subject to the general prohibition. The title also states that it is an affirmative defense to prosecution if the defendant, in good faith, has restricted access by minors to material that is harmful to minors by requiring the use of a credit card, debit account, adult access code, adult personal identification code, digital certificate, or any other reasonable measure that is feasible under available technology. In addition, this title requires providers of interactive computer service to notify its customers that parental control protections (such as computer hardware, software, and filtering services) are commercially available to assist consumers with limiting access to material that is harmful to minors. To address other matters affecting a minor's access to material harmful to minors on the Internet, Title XIV establishes a temporary commission on online child protection. The commission is required to study technological solutions that will help reduce access by minors to material that is harmful to minors on the Internet. These technological solutions may also be used to meet the requirements for use as affirmative defenses under the general prohibition identified in the title.

Title XVII, entitled "Government Paperwork Elimination Act," gives the Office of Management and Budget (OMB) the authority to provide for the acquisition and use of information technologies for electronic submission of information to executive agencies. This authority also includes the ability to require executive agencies to accept electronic signatures as part of any electronic submission. The Director of OMB is required to develop procedures for implementation of this authority to ensure that executive agencies use and accept electronic signatures. The Director of OMB, in consultation with the National Telecommunications and Information Administration, is also required to conduct an ongoing study on the use of electronic signatures. The study must consider paperwork reduction and electronic commerce, individual privacy, and security and authenticity of transactions. Periodic reports to Congress on the results of the study are also required.

Motor Vehicle Safety Issues

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Department of Transportation and Related Agencies Appropriations Act, 1999, Title III-General Provisions, Section 351, an amendment to section 30113 of title 49, U.S. Code, to harmonize current safety statutes by bringing bumper standards within the scope of the National Highway Traffic Safety Administration's exemption discretion for case-by-case determinations. This authority was necessary because several small-volume manufacturers of specialty automobiles needed the temporary exemptions to

remain competitive during the initial years of vehicle production. The provision does not grant the Secretary of Transportation (the Secretary) authority to issue a permanent exemption from the bumper safety standards, but allows the Secretary to issue temporary waivers, similar to waivers that may be issued for other motor vehicle safety standards.

Legislative History

On July 22, 1998, the Committee on Appropriations ordered reported an original measure to the House, which was introduced in the House on July 24, 1998, as H.R. 4328. On July 24, 1998, the Committee on Appropriations reported H.R. 4328 to the House (H. Rpt. 105-648).

The Committee on Rules met on July 28, 1998, and granted a rule providing for the consideration of H.R. 4328. The rule was filed in the House as H. Res. 510. On July 29, 1998, the House passed H. Res. 510 by a voice vote.

The House considered H.R. 4328 on July 29 and July 30, 1998; and on July 30, 1998, passed the bill, amended, by a roll call vote of 391 yeas to 25 nays. H.R. 4328 was received in the Senate on July 30, 1998.

On July 14, 1998, the Senate Committee on Appropriations ordered reported an original measure to the Senate as the Senate companion bill, which was introduced in the Senate by Mr. Shelby on July 15, 1998 as S. 2307. The Senate Committee on Appropriations reported S. 2307 to the Senate on July 15, 1998 (S. Rpt. 105-249). The Senate considered S. 2307 on July 23 and July 24, 1998. On July 24, 1998, by a roll call vote of 90 yeas to 1 nay, the Senate passed S. 3207, amended.

On July 30, 1998, pursuant to a unanimous consent request agreed to on July 23, 1998, the Senate proceeded to the immediate consideration of H.R. 4328, struck all after the enacting clause and inserted in lieu thereof the text of S. 2307, as passed by the Senate, and passed H.R. 4328, as amended. The Senate then insisted on its amendment to H.R. 4328, requested a conference with the House, and appointed conferees. Finally, on July 30, 1998, the Senate vitiated passage of S. 2307 and indefinitely postponed further consideration of that bill.

On September 15, 1998, the House disagreed to the Senate amendment to H.R. 4328, agreed to a conference with the Senate, and appointed conferees. The House, on September 15, 1998, also agreed to a motion to instruct conferees by a roll call vote of 249 yeas to 161 nays. The conference report on H.R. 4328 was filed in the House on October 19, 1998 (H. Rpt. 105-825).

The Committee on Rules met on October 20, 1998, and granted a rule providing for the consideration of the conference report on H.R. 4328. The rule was filed in the House as H. Res. 605. On October 20, 1998, the House passed H. Res. 605 by a roll call vote of 333 yeas to 88 nays.

The House agreed to the conference report on H.R. 4328 by a roll call vote of 333 yeas to 95 nays on October 20, 1998. The Senate agreed to the conference report by a roll call vote of 65 yeas to 29 nays on October 21, 1998.

H.R. 4328 was presented to the President on October 21, 1998. The President signed H.R. 4328 into law on October 21, 1998 (Public Law 105-277).

ARMORED CAR RECIPROCITY AMENDMENTS OF 1998

Public Law 105-287 (H.R. 624)

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

Summary

Public Law 105-287 amends section 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. 624 was introduced in the House by Representatives Whitfield, Oxley, and Manton on February 6, 1997. The bill was referred solely to the Committee on Commerce.

On February 11, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 624, at which the Subcommittee received testimony from a representative of an industry association and a State regulator. Immediately following the hearing on February 11, 1997, the Subcommittee met in open markup session and approved H.R. 624 for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session to consider H.R. 624 on February 13, 1997, and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being

present. On February 25, 1997, the Committee on Commerce reported H.R. 624 to the House (H. Rpt. 105-6).

The House considered H.R. 624 on February 25, 1997, under Suspension of the Rules, and passed the bill by a roll call vote of 416 yeas to 0 nays. On February 27, 1997, H.R. 624 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation met to consider H.R. 624, on November 4, 1997, and ordered the bill reported to the Senate, without amendment. On September 1, 1998, the Senate Committee on Commerce, Science, and Transportation reported H.R. 624 to the Senate (S. Rpt. 105-297). On October 9, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 624, and passed the bill without amendment, clearing the measure for the President.

H.R. 624 was presented to the President on October 20, 1998. The President signed H.R. 624 into law on October 27, 1998 (Public Law 105-287).

DIGITAL MILLENNIUM COPYRIGHT ACT

Public Law 105-304 (H.R. 2281, S. 2037)

To amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

Summary

The Committee on Commerce is in the midst of a wide-ranging review of all issues relating to electronic commerce, including the issues raised by this legislation. The growth of electronic commerce is having a profound impact on the nation's economy. Over the past decade, the information technology sector of our economy has grown rapidly and is seen by many as playing a leading role in the current economic expansion.

Exercising its jurisdiction under the Commerce Clause of the Constitution and under the applicable precedents of the House, the Committee on Commerce has a long and well-established role in assessing the impact of possible changes in law on the use and the availability of the products and services that have made our information technology industry the envy of the world. The Committee therefore paid particular attention to the impacts on electronic commerce of the bill produced by the Senate and the House Judiciary Committees.

Much like the agricultural and industrial revolutions that preceded it, the digital revolution has unleashed a wave of economic prosperity and job growth. Today, the U.S. information technology industry is developing exciting new products to enhance the lives of individuals throughout the world, and our telecommunications industry is developing new means of distributing information to these consumers in every part of the globe. In this environment, the development of new laws and regulations could well have a profound impact on the growth of electronic commerce.

Article 1, section 8, clause 8 of the United States Constitution authorizes the Congress to promulgate laws governing the scope of

proprietary rights in, and use privileges with respect to, intangible "works of authorship." As set forth in the Constitution, the fundamental goal is "[t]o promote the Progress of Science and useful Arts . . ." In the more than 200 years since enactment of the first Federal copyright law in 1790, the maintenance of this balance has contributed significantly to the growth of markets for works of the imagination as well as the industries that enable the public to have access to and enjoy such works.

Congress has historically advanced this constitutional objective by regulating the use of information—not the devices or means by which the information is delivered or used by information consumers—and by ensuring an appropriate balance between the interests of copyright owners and information users. Section 106 of the Copyright Act of 1976, 17 U.S.C. 106, for example, establishes certain rights copyright owners have in their works, including limitations on the use of these works without their authorization. Sections 107 through 121 of the Copyright Act, 17 U.S.C. 107-121, set forth the circumstances in which such uses will be deemed permissible or otherwise lawful even though unauthorized. In general, all of these provisions are technology neutral. They do not regulate commerce in information technology. Instead, they prohibit certain actions and create exceptions to permit certain conduct deemed to be in the greater public interest, all in a way that balances the interests of copyright owners and users of copyrighted works.

As proposed by the Clinton Administration, however, the anti-circumvention provisions to implement the World Intellectual Property Organization (WIPO) treaties would have represented a radical departure from this tradition. In the view of the Committee, there was no need to create such risks, including the risk that enactment of the bill could establish the legal framework that would inexorably create a "pay-per-use" society. Thus, the Committee on Commerce endeavored to specify, with as much clarity as possible, how the anti-circumvention right, established in title 17 but outside of the Copyright Act, would be qualified to maintain balance between the interests of content creators and information users. The Committee considered it particularly important to ensure that the concept of fair use remain firmly established in the law, and that consumer electronics, telecommunications, computer, and other legitimate device manufacturers have the freedom to design new products without being subjected to the threat of litigation for making design decisions.

Title I of H.R. 2281, as enacted, in lieu of a new statutory prohibition against the act of circumvention, creates a rulemaking proceeding intended to ensure that persons (including institutions) will continue to be able to get access to copyrighted works in the future. Given the overall concern of the Committee that the Administration's original proposal created the potential for the development of a "pay-per-use" society, the Committee on Commerce felt strongly about the need to establish a mechanism that would ensure that libraries, universities, and consumers generally would continue to be able to exercise their fair use rights and the other exceptions that have ensured access to works. Under section 1201(a)(1)(C), the Librarian of Congress must make certain determinations based on the recommendation of the Register of Copyrights, who must con-

sult with the Assistant Secretary of Commerce for Communications and Information before making any such recommendations, which must be made on the record. The Committee ensured that the Assistant Secretary would have a substantial and meaningful role in making fair use and related decisions, and that his or her views would be made a part of the record.

Title I also makes it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in so-called "black boxes"—devices with no substantial non-infringing uses that are expressly intended to facilitate circumvention of technological measures for purposes of gaining access to or making a copy of a work. Section 1201(a)(3) defines "circumvent a technological protection measure," and when a technological protection measure "effectively controls access to a work."

Title I similarly defines "circumvent protection afforded by a technological measure," and when a technological measure "effectively protects a right of a copyright owner under title 17, United States Code." Section 1201(c)(3) provides that nothing in section 1201 requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201.

Finally, Title I requires that certain analog recording devices respond to two forms of copy control technology that are in wide use in the market today. Neither employs encryption or scrambling of the content being protected, but they have been subject to extensive multi-industry consultations, testing, and analysis.

Title II of H.R. 2281, as enacted, exempts on-line service providers (OSPs) (*e.g.*, Bell Atlantic, AT&T, America OnLine) from copyright liability to the extent that an OSP could qualify for one of two "safe harbors." The first safe harbor covers fact situations where the OSP is serving as a mere conduit for copyrighted material. Specifically, an OSP would not be liable for infringement where it could demonstrate (1) that it merely transmitted copyrighted material over its own network at the request of a third party, (2) that the transmission, and any storage (or "copying") of material along the way, occurs through an indiscriminate technological process (*i.e.*, the OSP takes no part in the selection of the copyrighted material), and (3) the material is stored for a period no longer than necessary to carry out the transmission.

The second safe harbor covers instances where the OSP stores copyrighted material on its network at the direction of another user. In particular, an OSP would not be liable for infringement where it could demonstrate (1) that it did not have actual or constructive knowledge that the material stored on its network is infringing material, and (2) it is not receiving a financial benefit that is directly attributable to infringing activity.

Legislative History

H.R. 2281 was introduced in the House by Representatives Coble Hyde, Conyers, and Frank of Massachusetts on July 29, 1997. The bill was referred solely to the Committee on the Judiciary.

The Committee on the Judiciary met to consider H.R. 2281 on April 1, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 22, 1998, the Committee on the Judiciary reported H.R. 2281 to the House (H. Rpt. 105-551, Part 1). On May 22, 1998, the bill was referred to the Committee on Commerce and the Committee on Ways and Means, sequentially, for a period ending not later than June 19, 1998.

On June 5, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 2281. On June 17 and June 18, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session to consider H.R. 2281. On June 18, 1998, the Subcommittee approved H.R. 2281 for Full Committee consideration, amended, by a voice vote.

In light of the serious concerns raised at the hearing, and in recognition of the complexity of the issues posed by the legislation, the Chairman of the Committee on Commerce requested that the Committee's referral be further extended. On June 19, 1998, the referral of H.R. 2281 to the Committee on Commerce and the Committee on Ways and Means was extended for a period ending not later than June 26, 1998. On June 26, 1998, the referral of H.R. 2281 to the Committee on Commerce and the Committee on Ways and Means was extended for a period ending not later than July 21, 1998. On July 21, 1998, the referral of H.R. 2281 to the Committee on Commerce and the Committee on Ways and Means was extended for a period ending not later than July 22, 1998.

On July 17, 1998, the Full Committee met in open markup session and ordered H.R. 2281 reported to the House, amended, by a roll call vote of 41 yeas to 0 nays. The Committee on Commerce reported H.R. 2281 to the House on July 22, 1998 (H. Rpt. 105-551, Part 2). The Committee on Ways and Means was discharged from further consideration of H.R. 2281 on July 22, 1998.

The House considered H.R. 2281 under Suspension of the Rules on August 4, 1998, and passed the bill by a voice vote. On August 31, 1998, H.R. 2281 was received in the Senate, read twice, and placed on the Senate calendar.

Previously, on May 6, 1998, the Senate Committee on the Judiciary reported an original measure to the Senate as companion legislation, which was introduced in the Senate by Mr. Hatch as S. 2037. On May 11, 1998, the Senate Committee on the Judiciary filed a report in the Senate (S. Rpt. 105-190). The Senate considered S. 2037 on May 14, 1998, and passed the bill, amended, by a roll call vote of 99 yeas to 0 nays.

On September 17, 1998, the Senate, by unanimous consent, took H.R. 2281 from the Senate calendar and passed the bill, amended with the text of S. 2037 as passed by the Senate. The Senate then insisted on its amendment to H.R. 2281, requested a conference with the House, and appointed conferees. On September 17, 1998, the Senate vitiated passage of S. 2037 and indefinitely postponed further consideration of the bill.

On September 23, 1998, the House disagreed to the Senate amendment to H.R. 2281, 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. 2281 was filed in the House on October 8, 1998 (H. Rpt. 105-796).

On October 8, 1998, the Senate, by unanimous consent, proceeded to the immediate consideration of the conference report on H.R. 2281 and agreed to the conference report. The House considered the conference report under Suspension of the Rules on October 12, 1998, and agreed to the conference report by a voice vote.

H.R. 2281 was presented to the President on October 20, 1998. The President signed H.R. 2281 into law on October 28, 1998 (Public Law 105-304).

NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Public Law 105-305 (H.R. 3332, S. 1609)

To amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.

Summary

Public Law 105-305 authorizes appropriations to the Department of Defense, the Department of Energy, the National Aeronautics and Space Administration, the National Institutes of Health, the National Institute of Standards and Technology and the National Science Foundation for the Next Generation Internet initiative. The purpose of this initiative is to foster the development and deployment of advanced Internet technologies, networks, and applications.

Legislative History

S. 1609 was introduced in the Senate by Mr. Frist on February 4, 1998. The bill was read twice and referred to the Senate Committee on Commerce, Science, and Transportation. On March 12, 1998, the Senate Committee on Commerce, Science, and Transportation met to consider S. 1609, and ordered the bill reported to the Senate, without amendment, by a voice vote. On April 2, 1998, the Senate Committee on Commerce, Science, and Transportation reported S. 1609 to the Senate (S. Rpt. 105-173).

By unanimous consent, on June 26, 1998, the Senate proceeded to the immediate consideration of S. 1609, and passed the bill, amended. S. 1609 was received in the House on July 14, 1998, and held at the desk. On October 21, 1998, S. 1609 was referred solely to the House Committee on Science. No further action was taken on S. 1609 in the 105th Congress.

H.R. 3332, a companion bill, was introduced in the House by Representatives Sensenbrenner and Brown of California on March 4, 1998. The bill was referred solely to the Committee on Science. On May 13, 1998, the Committee on Science met to consider H.R. 3332 and ordered the bill reported to the House, amended, by a voice vote.

On September 11, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Science, indicating that H.R. 3332 included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that the Commerce Committee had reviewed the action taken by the Science Committee and, in order to expedite consideration of this measure, the Commerce Committee would not insist on its right to a sequential referral of H.R. 3332, provided that the waiver of its right to a sequential referral would not prejudice the Commerce Committee's future jurisdictional interests in the legislation. The Commerce Committee also reserved its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that would be convened on the legislation. On September 11, 1998, the Chairman of the Committee on Science sent a letter to the Chairman of the Commerce Committee acknowledging the Commerce Committee's jurisdictional concerns with regards to H.R. 3332 and the Commerce Committee's prerogatives with respect to this bill.

The House considered H.R. 3332 under Suspension of the Rules on September 14, 1998, thereby discharging the Committee on Science from further consideration of the bill. H.R. 3332 passed the House by a voice vote. On September 15, 1998, H.R. 3332 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. On October 8, 1998, by unanimous consent, the Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 3332. By unanimous consent, the Senate then proceeded to the immediate consideration of H.R. 3332, and passed the bill without amendment, clearing the measure for the President.

H.R. 3332 was presented to the President on October 20, 1998. The President signed H.R. 3332 into law on October 28, 1998 (Public Law 105-305).

PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

Public Law 105-314 (H.R. 3494)

To amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

Summary

The purpose of H.R. 3494 is to strengthen existing law to prevent children from exploitation and criminal activity. As enacted into law, H.R. 3494 contains several provisions which fall within the jurisdiction of the Committee on Commerce. These provisions were specifically identified in a statement inserted in the Congressional Record on October 21, 1998, by the Chairman of the Committee on Commerce expressing support for the passage of H.R. 3494 and observing the Commerce Committee's jurisdiction over sections 401 and 901. Section 401 prohibits the transfer of obscene material to minors (those under the age of 16). Section 901 provides for the Attorney General to contract with the National Academy of Sciences to conduct a study of computer-based technologies and other methods to address the problem of access to pornography by children.

Legislative History

H.R. 3494 was introduced in the House by Mr. McCollum and fifteen cosponsors on March 18, 1998. The bill was referred solely to the Committee on the Judiciary.

The Committee on the Judiciary met to consider H.R. 3494 on May 6, 1998, and ordered the bill reported to the House, amended, by a voice vote. On June 3, 1998, the Committee on the Judiciary reported H.R. 3494 to the House (H. Rpt. 105-557).

The Committee on Rules met on June 10, 1998, and granted a rule providing for the consideration of H.R. 3494. The rule was filed in the House as H. Res. 465. On June 11, 1998, the House passed H. Res. 465 by a voice vote.

The House considered H.R. 3494 on June 11, 1998, and passed the bill, amended, by a roll call vote of 416 yeas to 0 nays, with 1 voting present. On June 16, 1998, H.R. 3494 was received in the Senate, read twice, and referred to the Senate Committee on the Judiciary.

The Senate Committee on the Judiciary met on September 17, 1998, to consider H.R. 3494 and ordered the bill reported to the Senate, amended, by a voice vote. On September 17, 1998, the Senate Committee on the Judiciary reported H.R. 3494 to the Senate (No Written Report).

On October 9, 1998, the Senate, by unanimous consent, proceeded to the immediate consideration of H.R. 3494 and passed the bill, amended. On October 12, 1998, the House considered H.R. 3494 under Suspension of the Rules and agreed to the Senate amendment to H.R. 3494 by a roll call vote of 400 yeas to 0 nays, with 2 voting present, clearing the measure for the President.

H.R. 3494 was presented to the President on October 20, 1998. The President signed H.R. 3494 into law on October 30, 1998 (Public Law 105-314).

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

(H.R. 1839, S. 852)

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

Summary

H.R. 1839 is intended to reduce motor vehicle titling fraud and improve consumer protection by establishing nationally uniform definitions and procedures for the titling, registration, and transfer of salvage, rebuilt salvage, and nonrepairable vehicles. H.R. 1839 conditions a State's participation in the National Motor Vehicle Title Information System (NMVTIS), a Federal computer system designed to assist States in locating information about automobile titling documents issued by other States, on a State's adoption of uniform definitions and procedures for the titling and registration of salvage, nonrepairable, and rebuilt automobiles. By participating in the NMVTIS, the State adopts the uniform definitions of salvage

vehicle, nonrepairable vehicle, rebuilt salvage vehicle, and other terms, as well as procedures for issuing those titling documents.

Legislative History

H.R. 1839 was introduced in the House by Mr. White and four cosponsors on June 10, 1997. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary.

On June 26, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 1839. The Subcommittee received testimony from representatives of the National Highway Traffic Safety Administration, insurance companies, national associations, and a State attorneys association.

On July 16, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 1839, amended, for Full Committee consideration, by a voice vote. On July 23, 1997, the Full Committee met in open markup session and ordered H.R. 1839 reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1839 to the House on September 30, 1997 (H. Rpt. 105-285, Part 1). The referral of H.R. 1839 to the Committee on the Judiciary was extended for a period ending not later than September 30, 1997. On September 30, 1997, the Committee on the Judiciary was discharged from further consideration of H.R. 1839.

The House considered H.R. 1839 under Suspension of the Rules on November 4, 1997, and passed the bill by a roll call vote of 336 yeas to 72 nays. On November 5, 1997, H.R. 1839 was received in the Senate. On November 13, 1997, H.R. 1839 was read twice and referred to the Senate Committee on Commerce, Science, and Transportation. No further action was taken by the Senate on H.R. 1839 in the 105th Congress.

S. 852, a companion bill, was introduced in the Senate by Senators Lott and Ford on June 9, 1997, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. On November 4, 1997, the Senate Committee on Commerce, Science, and Transportation ordered S. 852 reported to the Senate, amended. The Senate Committee on Commerce, Science, and Transportation reported S. 852 to the Senate on July 27, 1998 (S. Rpt. 105-265).

On October 2, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 852 and passed the bill, amended. On October 5, 1998, S. 852 was received in the House and held at the desk.

The House considered S. 852 under Suspension of the Rules on October 9 and October 10, 1998. On October 10, 1998, the House passed S. 852, amended, by a roll call vote of 271 yeas to 133 nays, with 2 voting present.

On October 12, 1998, S. 852 was returned to the Senate and held it at the desk. No further action was taken by the Senate on S. 852 in the 105th Congress.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

(H.R. 3888, S. 1618)

To amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

Summary

H.R. 3888, as passed by the House, has two key provisions. First, the legislation enacts a non-regulatory solution to the problem of "slamming," which is the unauthorized changing of a consumer's provider of telephone exchange service or telephone toll service. The bill directs the Federal Communications Commission (FCC), in consultation with the Federal Trade Commission (FTC), industry and consumer groups, to establish a voluntary code of subscriber practices to combat slamming. The code established strong incentives for carriers to regulate their own solicitation practices and to provide consumers with adequate recourse in the event that their carrier selection is switched without their consent. To the extent carriers either choose not to comply with the code, or otherwise violate its terms, the bill requires the FCC to impose more stringent rules and penalties on those carriers.

Second, the bill resolves outstanding rural cellular license disputes that have limited competitive wireless providers in three markets. In 1986, having assigned licenses in the nation's largest markets, the FCC established geographic boundaries for over 400 rural service areas (RSAs). The Commission created two frequency allocations for each of these RSAs: the B-block frequencies for incumbent wireline carriers (*i.e.*, the local telephone providers), and A-block frequencies for other applicants. The Commission employed a lottery system in these markets in order to award licenses as quickly as possible. In 1992, the FCC disqualified the 1988 applications submitted by three lottery-winning partnerships in three RSAs located in parts of Minnesota, Florida, and Pennsylvania. The FCC concluded that the partnerships had not complied with foreign ownership restrictions under its interpretation of the Communications Act of 1934. The FCC did not allow the companies to amend their applications and bring themselves into compliance, in contrast to similarly situated applicants who had also participated in the same lotteries but were permitted to correct foreign ownership interests. Today, twelve years after it first established RSAs, the FCC still has not awarded permanent cellular licenses in the three RSAs. H.R. 3888 requires the FCC to reinstate the disqualified applicants and assign the applicants as the tentative selectees in those markets. It also requires the Commission to allow the applicants to amend their original applications. Further, the bill requires the FCC to award permanent licenses for those markets within 90 days of enactment, with the selected licensee paying a fee established by the bill.

Legislative History

S.1618 was introduced in the Senate by Mr. McCain and five cosponsors on February 9, 1998, read twice, and referred to the Sen-

ate Committee on Commerce, Science, and Transportation. On March 12, 1998, the Senate Committee on Commerce, Science, and Transportation ordered S. 1618 reported to the Senate, amended. The Senate Committee on Commerce, Science, and Transportation reported S. 1618 to the Senate on May 5, 1998 (S. Rpt. 105-183).

On May 12, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 1618 and passed the bill, amended, by a roll call vote of 99 yeas to 0 nays. S. 1618 was received in the House and held at the desk on May 13, 1998. On October 21, 1998, S. 1618 was referred to the Committee on Commerce. No further action was taken on S. 1618 in the 105th Congress.

H.R. 3888, the House companion bill, was introduced in the House by Mr. Tauzin and seven cosponsors on May 14, 1998. The bill was referred solely to the Committee on Commerce.

On June 23, 1998 and September 18, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative and an oversight hearing on the bill, respectively. Testimony was received from Members of Congress, Federal regulators, and representatives of industry trade groups, telecommunications companies, and consumer groups.

On August 6, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session to consider H.R. 3888 and approved the bill for Full Committee consideration, amended, by a voice vote, a quorum being present. On September 24, 1998, the Full Committee met in open markup session and ordered H.R. 3888 reported to the House, amended, by a voice vote. The Committee on Commerce reported H.R. 3888 to the House on October 8, 1998 (H. Rpt. 105-801).

The House considered H.R. 3888 under Suspension of the Rules on October 12, 1998, and passed the bill, amended, by a voice vote. H.R. 3888 was received in the Senate on October 13, 1998, and held at the desk. No further action was taken by the Senate on H.R. 3888 in the 105th Congress.

WIRELESS PRIVACY ENHANCEMENT ACT OF 1998

(H.R. 2369)

To amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

Summary

The purpose of H.R. 2369 is to enhance the privacy of users of cellular and other mobile communications services. This legislation is necessary to prohibit modification of currently available scanners and to prevent the development of a market for new digital scanners capable of intercepting digital communications.

First, the bill extends current scanning receiver manufacturing restrictions to prevent the manufacture of scanners that are capable of intercepting communications in frequencies allocated to new wireless communications, namely personal communications services and protected paging and specialized mobile radio services. Second, the bill adds a prohibition on the modification of scanners

and requires the Federal Communications Commission (FCC) to strengthen its rules to prevent the modification of scanning receivers, including through adopting additional requirements to prevent the tampering of scanning receivers. Third, the bill makes it unacceptable to intentionally intercept or divulge the content of private radio communications. Lastly, the bill improves the enforcement of privacy law by increasing the penalties available for violators and requiring the FCC to move expeditiously on investigations of potential violations.

Legislative History

H.R. 2369 was introduced in the House by Mr. Tauzin and five cosponsors on July 31, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee held an oversight hearing on cellular privacy on February 5, 1997. Testimony was received from representatives of Federal agencies, equipment manufacturers, industry trade groups, privacy advocates, and law enforcement officials.

On October 29, 1997, the Subcommittee met in open markup session to consider H.R. 2369, and approved the bill, amended, for Full Committee consideration, by a voice vote. On February 26, 1998, the Full Committee met in open markup session to consider H.R. 2369 and ordered the bill reported to the House, as amended, by a voice vote, a quorum being present. The Committee reported H.R. 2369 to the House on March 3, 1998 (H. Rpt. 105-425).

The Committee on Rules met on March 4, 1998, and granted a rule providing for the consideration of H.R. 2369. The rule was filed in the House as H. Res. 377. On March 5, 1998, the House passed H. Res. 377 by a voice vote.

The House considered H.R. 2369 on March 5, 1998 and passed the bill, amended, by a roll call vote of 414 yeas to 1 nay.

H.R. 2369 was received in the Senate on March 5, 1998, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation. No further action was taken by the Senate on H.R. 2369 in the 105th Congress.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REAUTHORIZATION ACT OF 1998

(H.R. 2691)

To reauthorize and improve the operations of the National Highway Traffic Safety Administration.

Summary

H.R. 2691 authorizes appropriations, places a restriction on the ability of the National Highway Traffic Safety Administration (NHTSA) to lobby State and local legislators, directs NHTSA to publicize information regarding the risks and benefits of safety equipment, provides decision criteria for occupant protection standards, authorizes certain activities to harmonize domestic and international motor vehicle safety standards, amends the American Automobile Labeling Act (49 U.S.C. § 32304), and also makes other miscellaneous and technical amendments to NHTSA's authorizing statutes.

The legislation also reinstates NHTSA's authority to exempt certain motor vehicles imported for show or display from certain applicable motor vehicle safety standards, and directs NHTSA to conduct a study of the potential benefit of requiring the installation of a safety device in the trunk compartment to release the trunk lid from the inside.

Legislative History

H.R. 2691 was introduced in the House by Mr. Tauzin on October 22, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 2691 on October 29, 1997. The Subcommittee heard testimony from representatives of the National Highway Traffic Safety Administration, the automobile industry, and public safety groups. Immediately following the hearing on October 29, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session to consider H.R. 2691 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. 2691 on March 25, 1998, and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2691 to the House on April 1, 1998 (H. Rpt. 105-447).

The House considered H.R. 2691 under Suspension of the Rules on April 21, 1998, and passed the bill, amended, by a voice vote. H.R. 2691 was received in the Senate on April 22, 1998, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 2691 in the 105th Congress. However, many of the legislative provisions of H.R. 2691 were included in H.R. 2400, as passed by the House and Senate, and enacted into law as Public Law 105-178. For the legislative history of H.R. 2400, see the discussion of the Transportation Equity Act for the 21st Century in this section. Additionally, a technical correction to Public Law 105-178 relating to the restriction on NHTSA's ability to lobby State and local legislators was included in both H.R. 3978, the TEA 21 Restoration Act, as passed by the House, and H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998, as enacted into law (Public Law 105-206). For the legislative history of H.R. 3978 and H.R. 2676, see the discussion of those bills in this section.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1998

(H.R. 1872, S. 2365)

To amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

Summary

The fundamental purposes of the bill are to encourage privatization of the intergovernmental satellite organizations (IGOs) that dominate international satellite communications and to promote a robustly competitive satellite communications marketplace. The bill eliminates the provision of commercial satellite communications by intergovernmental organizations. The bill also ensures that the privatized entities be independent of the IGO "signatories." By privatizing INTELSAT and Inmarsat as outlined in H.R. 1872, the unfair advantages now enjoyed by these organizations would be eliminated, in favor of a level playing field for all competitors. This in turn would bring consumers lower prices, higher service quality, improved efficiency, innovative new products, and more choice.

The bill promotes the privatization of INTELSAT and Inmarsat by using the incentive of access to the U.S. marketplace if the IGOs privatize in an expeditious and pro-competitive manner. The bill is also designed to eliminate any unfair advantages of IGOs or their spin-offs or successors over their competitors gained through their intergovernmental status. Pro-competitive privatizations are sought by requiring the Federal Communications Commission (FCC) to determine that the IGOs and their privatized "successor" or "separated" follow-ons have been privatized in a manner that would not harm competition in the U.S., prior to authorizing the provision of advanced services in the U.S. market.

The primary incentive in the bill for INTELSAT and Inmarsat to privatize is to limit their access to the U.S. market if they do not privatize in a pro-competitive manner by a date certain. In order to provide these organizations with a reasonable transition period in which to accomplish a full privatization, the bill provides INTELSAT until January 1, 2002, and Inmarsat until January 1, 2001. If privatization does not occur by the dates provided, the bill requires the FCC to limit, deny, or revoke authority for the provision of "non-core services" to the U.S. market. Furthermore, the bill prohibits separated entities from being authorized to provide services in the United States if they are not structured in a pro-competitive manner.

Another key part of the bill is the possibility of restrictions on additional services during the pendency of privatization. This lever provides that INTELSAT and Inmarsat cannot provide additional services under new contracts unless the FCC annually determines that: (1) substantial and material progress is being made towards privatization; and (2) INTELSAT and Inmarsat are not hindering competitors' access to foreign markets.

The bill explicitly eliminates COMSAT's monopoly for the provision of IGO services in the United States by permitting other service providers direct access to the IGOs' satellites. The bill also allows COMSAT's customers a one-time opportunity to renegotiate their contracts with the previous monopoly provider after January 1, 2000.

Lastly, the bill includes a number of additional deregulatory measures designed to ensure that all U.S. satellite service providers can compete as efficiently as possible within the U.S. satellite marketplace. The bill also prohibits the FCC from auctioning orbital slots or spectrum assignments for global satellite systems and

requires the Administration to oppose such spectrum auctions in international fora.

Legislative History

H.R. 1872 was introduced in the House by Representatives Bliley and Markey on June 12, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 1872 on September 30, 1997. The Subcommittee heard testimony from representatives of Federal agencies and telecommunications companies. On March 4 and March 18, 1998, the Subcommittee met in open markup session to consider H.R. 1872. On March 18, 1998, the Subcommittee approved the bill, amended, for Full Committee consideration by a voice vote.

On March 25, 1998, the Full Committee met in open markup session to consider H.R. 1872 and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee reported H.R. 1872 to the House on April 27, 1998 (H. Rpt. 105-494).

The Committee on Rules met on May 5, 1998, and granted a rule providing for the consideration of H.R. 1872. The rule was filed in the House as H. Res. 419. On May 6, 1998, the House passed H. Res. 419 by a voice vote.

The House considered H.R. 1872, on May 6, 1998, and passed the bill, amended, by a roll call vote of 403 yeas to 16 nays, with 2 voting present. H.R. 1872 was received in the Senate on May 7, 1998, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 1872 in the 105th Congress, however, provisions of H.R. 1872 relating to privileges and immunities afforded intergovernmental organizations were incorporated, as amended, into H.R. 4353 and S. 2375. For the legislative history of those bills, see the discussion of the International Anti-Bribery and Fair Competition Act of 1998 (Public Law 105-366) in the Subcommittee on Finance and Hazardous Materials section.

TEA 21 RESTORATION ACT

(H.R. 3978)

To restore provisions agreed to by the conferees to H.R. 2400, entitled the "Transportation Equity Act for the 21st Century", but not included in the conference report to H.R. 2400, and for other purposes.

Summary

After the passage of the Transportation Equity Act for the 21st Century (TEA 21, Public Law 105-178), a number of technical errors were discovered in the text, including an error in the section addressing the ability of the National Highway Traffic Safety Administration (NHTSA) to lobby State legislators. The conference report inadvertently left out language limiting the lobbying restriction to NHTSA, therefore applying the restriction to the entire De-

partment of Transportation. Section 12 of H.R. 3978 restores the language to that intended by the conferees.

Legislative History

H.R. 3978 was introduced by Mr. Shuster and three cosponsors on June 3, 1998. On the same day, by unanimous consent, the House proceeded to the immediate consideration of H.R. 3978 and passed the bill. H.R. 3978 was received in the Senate on June 4, 1998. On June 11, 1998, H.R. 3978 was read for the first time and placed on the Senate Calendar. On June 12, 1998, it was read a second time and placed on the Senate calendar.

No further action was taken by the Senate on H.R. 3978 in the 105th Congress. However, legislative language identical to the text of H.R. 3978 was included in H.R. 2676 and enacted into law as Title IX of Public Law 105-206. For the legislative history of that bill, see the discussion of the Internal Revenue Service Restructuring and Reform Act of 1998 in this section.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 1999, 2000, AND 2001

(H.R. 3303)

To authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28, United States Code, with respect to the use of funds available to the Department of Justice; and for other purposes.

Summary

The purpose of H.R. 3303 is to provide authorizations for the Department of Justice and to extend authorizations for various programs and other law enforcement activities. While the bill is primarily within the jurisdiction of the Committee on the Judiciary, section 204 implements a number of changes to the Communications Assistance for Law Enforcement Act (CALEA). These changes extend the period during which telecommunications companies must be in compliance with certain provisions of CALEA and extend the date by which the Department of Justice is authorized to provide reimbursement to telecommunications companies for purchasing certain new equipment necessary to comply with CALEA.

Legislative History

H.R. 3303 was introduced in the House by Representatives Hyde and Conyers on March 3, 1998. The bill was referred solely to the Committee on the Judiciary.

The Committee on the Judiciary met to consider H.R. 3303 on April 29, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 12, 1998, the Committee on the Judiciary reported H.R. 3303 to the House (H. Rpt. 105-526).

The House considered H.R. 3303 under Suspension of the Rules on June 22, 1998. During the debate, the Chairman of the Committee on Commerce inserted a statement in the Congressional Record stating that while portions of H.R. 3303 were within the jurisdic-

tion of the Commerce Committee, the Committee would waive jurisdiction in order to expedite consideration of the bill. H.R. 3303 passed the House by a voice vote on June 22, 1998.

On June 23, 1998, H.R. 3303 was received in the Senate, read twice, and referred to the Senate Committee on the Judiciary. The Senate Committee on the Judiciary met on September 17, 1998, to consider H.R. 3303 and ordered the bill reported to the Senate, amended. On September 17, 1998, the Senate Committee on the Judiciary reported H.R. 3303 to the Senate (No Written Report).

No further action was taken by the Senate on H.R. 3303 in the 105th Congress.

INTERNET TAX FREEDOM ACT

(H.R. 4105, H.R. 3849, H.R. 3529, H.R. 1054, S. 442)

To establish a national policy against State and local interference with interstate commerce on the Internet, to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, to establish a national policy against federal and state regulation of Internet access and online services, and for other purposes.

Summary

H.R. 4105, as passed by the House, incorporates provisions of H.R. 3849 (as reported by the Committee on Commerce), H.R. 3529 (as reported by the Committee on the Judiciary), and H.R. 1054 (the original Internet Tax Freedom Act). The purpose of H.R. 4105 is to prohibit, for a period of three years, a State or political subdivision thereof from imposing, assessing, or collecting taxes on Internet access, bit taxes, or multiple or discriminatory taxes on electronic commerce. Eight States were granted an exception from the general three-year moratorium if they enacted a law stating their intention to be excepted. During the course of the moratorium, a 31-member advisory commission shall be assembled to conduct a thorough study of State and local taxation of transactions using the Internet and Internet access, and other comparable intrastate and interstate sales activities. The commission is required to report its findings to Congress within 2 years.

H.R. 4105 addresses a number of other matters. First, it prohibits the Federal Communications Commission (FCC) and State public utility commissions from regulating the prices or charges paid by subscribers for Internet access or online services. The bill also prohibits the FCC from collecting Federal regulatory fees from providers of Internet access or online services. Second, the bill requires the Secretary of Commerce to study barriers imposed in foreign markets on electronic commerce and report to Congress its findings. Finally, H.R. 4105 declares that the Internet should be free of foreign tariffs, trade barriers, and other restrictions.

Legislative History

H.R. 1054

H.R. 1054 was introduced in the House on March 13, 1997, by Representatives Cox and White. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary. Within the Committee on Commerce, the bill was referred to the Subcommittee on Telecommunications, Trade, and Consumer Protection.

On July 11, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 1054. Witnesses at the hearing included Members of Congress and representatives of private industry. On October 9, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 1054 for Full Committee consideration, amended, by a voice vote. No further action was taken on H.R. 1054.

H.R. 3849

On May 12, 1998, a new Internet Tax Freedom Act was introduced in the House by Representatives Cox and White as H.R. 3849. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Rules.

On May 14, 1998, the Full Committee met in open markup session and considered H.R. 3849 in lieu of H.R. 1054, which had been previously approved by the Subcommittee on Telecommunications, Trade, and Consumer Protection. The Full Committee ordered H.R. 3849 reported to the House, amended, by a roll call vote of 41 yeas and 0 nays. The Committee on Commerce reported H.R. 3849 to the House on June 5, 1998 (H. Rpt. 105-570, Part 1). On June 5, 1998, the referral of H.R. 3849 to the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Rules was extended for a period ending not later than June 19, 1998.

On June 17, 1998, the Committee on the Judiciary considered H.R. 3849 and ordered the bill reported to the House, amended, by a voice vote. On June 19, 1998, the Committee on the Judiciary reported H.R. 3849 to the House (H. Rpt. 105-570, Part 2). On June 19, 1998, the referral of H.R. 3849 to the Committee on Ways and Means and the Committee on Rules was extended for a period ending not later than June 26, 1998. On June 25, 1998, the Committee on Ways and Means and the Committee on Rules were discharged from further consideration of H.R. 3849. No further action was taken on H.R. 3849.

H.R. 3529

On March 23, 1998, Mr. Chabot introduced H.R. 3529, a similar bill, in the House. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means and the Committee on Rules.

On June 17, 1998, the Committee on the Judiciary considered H.R. 3529 and ordered the bill reported to the House, amended, by a voice vote. On October 10, 1998, the Committee on the Judiciary reported H.R. 3529 to the House (H. Rpt. 105-808, Part 1). On Oc-

tober 10, 1998, the referral of H.R. 3539 to the Committee on Ways and Means and the Committee on Rules was extended for a period ending not later than October 10, 1998. On October 10, 1998, the Committee on Ways and Means and the Committee on Rules were discharged from further consideration of H.R. 3529. No further action was taken on H.R. 3529.

H.R. 4105

On June 22, 1998, H.R. 4105 was introduced in the House by Mr. Cox. As introduced, H.R. 4105 represented a consensus bill which incorporated provisions of H.R. 3849 (as reported by the Committee on Commerce), H.R. 3529 (as reported by the Committee on the Judiciary), and H.R. 1054 (the original Internet Tax Freedom Act). H.R. 4105 was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce and the Committee on Ways and Means.

On June 23, 1998, the House considered H.R. 4105 under Suspension of the Rules, thereby discharging the three Committees of referral from further consideration of the bill. H.R. 4105 passed the House by a voice vote.

On June 24, 1998, H.R. 4105 was received in the Senate, read twice, and placed on the Senate Calendar. No further action was taken on H.R. 4105.

S. 442

S. 442, the Senate companion bill, was introduced in the Senate on March 13, 1997, by Senators Wyden and Kerry. The bill was referred solely to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S. 442 on June 26, 1997 and November 4, 1997, and on November 4, 1997, ordered S. 442 reported to the Senate, amended. The Senate Committee on Commerce, Science, and Transportation reported S. 442 to the Senate on May 5, 1998 (S. Rpt. 105-184).

On July 21, 1998, by unanimous consent, S. 442 was referred to the Senate Committee on Finance for a period not to exceed beyond July 30, 1998. On July 28, 1998, the Senate Committee on Finance considered S. 442 and ordered the bill reported to the Senate, amended. The Senate Committee on Finance reported S. 442 to the Senate on July 30, 1998 (S. Rpt 105-276.) On August 5, 1998, a star print version of S. Rpt. 105-276 was ordered.

The Senate considered S. 442 on October 1, October 2, October 6, October 7, and October 8, 1998. On October 8, 1998, the Senate passed S. 442 by a roll call vote of 96 yeas to 2 nays. As passed by the Senate, S. 442 included major provisions of H.R. 4105.

S. 442 was received in the House on October 8, 1998, and held at the desk. On October 21, 1998, S. 442 was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, the Committee on Commerce, the Committee on Government Reform and Oversight, and the Committee on Ways and Means.

No further action was taken on S. 442. However, the text of S. 442, as passed by the Senate, and with a modification to one sec-

tion, was incorporated into H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and enacted into law as Public Law 105-277. For the legislative history of H.R. 4328, see the discussion of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 in this section.

MADE IN AMERICA TOLL FREE NUMBER

(H.R. 563, S. 2631)

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

Summary

H.R. 563 provides for the establishment and operation of a three-year, toll free number pilot program to assist consumers in determining what products are "Made in America." The bill provides that all costs of the program be paid with fees collected from manufacturers who voluntarily choose to register their products under this program.

The legislation requires the Secretary of Commerce (the Secretary) to issue regulations establishing the program, as well as procedures for manufacturers to register products that are made in America. If there is sufficient interest in providing private sector funding, the Secretary is directed to enter into a contract for the establishment and operation of the program. In defining "Made in America," H.R. 563 relies upon the definitions used by the Federal Trade Commission for unqualified "Made in America" or "Made in U.S.A." claims.

Legislative History

H.R. 563 was introduced in the House by Mr. Traficant on February 4, 1998, and referred solely to the Committee on Commerce. It is substantially similar to legislation passed by the House in the 103rd and 104th Congresses, H.R. 3342 and H.R. 447, respectively.

In the 104th Congress, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on virtually identical legislation, 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, on July 11, 1996. The Subcommittee received testimony from Representative Traficant who testified in favor of the legislation. The Committee held no additional hearings during the 105th Congress.

On September 24, 1998, the Full Committee met in open markup session and ordered H.R. 563 reported to the House, amended, by a voice vote, a quorum being present. On October 1, 1998, the Committee on Commerce reported H.R. 563 to the House (H. Rpt. 105-759).

The House considered H.R. 563 under Suspension of the Rules on October 5, 1998, and passed the bill by a voice vote. On October 6, 1998, H.R. 563 was received in the Senate and held at the desk.

No further action was taken by the Senate on H.R. 563 in the 105th Congress.

CHILD ONLINE PROTECTION ACT

(H.R. 3783)

To amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors, to restrict access to such material by minors, and for other purposes.

Summary

The purpose of H.R. 3783 is to protect children from obtaining access to pornography on the World Wide Web and to ensure that online businesses do not collect personally identifiable information from children. Specifically, Title I of the bill prohibits a person from making a communication on the World Wide Web for commercial purposes available to any minor that includes material that is harmful to minors. Persons violating this general prohibition may be subject to criminal and civil penalties. Title I excludes telecommunications carriers, Internet service providers, and other entities not involved in the selection or alteration of the content of the communication from the general prohibition. Title I also states that it is an affirmative defense to prosecution if the defendant, in good faith, has restricted access by minors to material that is harmful to minors by requiring the use of a credit card, debit account, adult access code, adult personal identification code, digital certificate, or any other reasonable measure that is feasible under available technology. In addition, Title I requires providers of interactive computer service to notify their customers that parental control protections (such as computer hardware, software, and filtering services) are commercially available to assist consumers with limiting access to material that is harmful to minors. To address other matters affecting a minor's access to material harmful to minors on the Internet, Title I establishes a temporary commission on online child protection. The commission will be composed of key industry members and is required to study technological solutions that will help reduce access by minors to material that is harmful to minors on the Internet. These technological solutions may also be used to meet the requirements for use as affirmative defenses under the general prohibition identified in the title.

Title II of H.R. 3783 prohibits an operator of a website or online service directed to children, or any operator with actual knowledge, to collect personal information from a child. Under this title, the Federal Trade Commission (FTC) is given the authority to adopt regulations regarding the collection of certain information from children and to determine when parents are required to consent to the disclosure of personal information from children. Also, industry is given the opportunity to develop self-regulations that would govern the collection of personal information from children in lieu of the regulations developed by the FTC. With respect to enforcement, this title permits the attorney general of each State to bring a civil action on behalf of the residents of the State for violations of the FTC regulations. Finally, Title II requires the FTC to review its regulations not later than five years after the effective date of its initial regulations.

Legislative History

H.R. 3783 was introduced in the House by Mr. Oxley and nine cosponsors on April 30, 1998. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on methods to prevent the distribution of material that is harmful to minors over the Internet. At the hearing, the Subcommittee considered H.R. 3783, H.R. 774, H.R. 1180, H.R. 1964, H.R. 3177, H.R. 3442, as well as other proposals on ways to restrict a minor's access to material that is harmful to minors. The Subcommittee heard testimony from Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783 for Full Committee consideration, amended, by a voice vote. On September 24, 1998, the Full Committee met in open markup session and ordered H.R. 3783 reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 3783 to the House on October 5, 1998 (H. Rpt. 105-775).

On October 7, 1998, the House considered H.R. 3783 under Suspension of the Rules, and passed the bill by a voice vote. H.R. 3783 was received in the Senate on October 8, 1998, and held at the desk.

No further action was taken on H.R. 3783 in the 105th Congress. However, Title I of H.R. 3783 was included in H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, as passed by the House and Senate, and enacted into law as Public Law 105-277. Also, Title II of H.R. 3783 was amended and included in H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, as passed by the House and Senate, and enacted into law as Public Law 105-277. For the legislative history of H.R. 4328, see the discussion of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 in this section.

MULTICHANNEL VIDEO COMPETITION AND CONSUMER PROTECTION ACT OF 1998

(H.R. 2921)

To promote the competitive viability of direct-to-home satellite television service.

Summary

The purpose of H.R. 2921 is to promote the competitive viability of satellite broadcast services, such as direct broadcast satellite (DBS) service and other direct-to-home (DTH) satellite services, (*e.g.*, traditional "C-band" service) to promote competition in the market for multichannel video programming distribution.

The bill has two components. First it stays enforcement of the "differential fee decision" until December 31, 1999. The "differen-

tial fee decision" was the decision by the Librarian of Congress on October 27, 1997, to increase the per subscriber, per month royalty fee paid by satellite broadcasters for the retransmission of superstation and distant network signals. Further, the bill clarifies satellite broadcasters' legal standing to sue those who pirate satellite broadcast signals.

Legislative History

H.R. 2921 was introduced in the House on November 7, 1997, by Mr. Tauzin and two cosponsors. The bill was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on April 1, 1998, on Video Competition: Multichannel Programming. The Subcommittee received testimony from representatives of the Federal Communications Commission, the Register of Copyright, and the private sector. The Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session to consider H.R. 2921 on June 17, 1998, 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. 2921 on June 24, 1998, and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2921 to the House on July 30, 1998 (H. Rpt. 105-661, Part 1). On July 30, 1998, the referral of H.R. 2921 to the Committee on the Judiciary was extended for a period ending not later than September 11, 1998.

The Committee on the Judiciary met to consider H.R. 2921 on August 4, 1998, and ordered the bill reported to the House, amended, by a voice vote. The Committee on the Judiciary reported H.R. 2921 to the House on September 10, 1998 (H. Rpt. 105-661, Part 2).

The House considered H.R. 2921 under Suspension of the Rules on October 7, 1998, and passed the bill, amended, by a voice vote. On October 8, 1998, H.R. 2921 was received in the Senate, read twice, and referred to the Senate Committee on the Judiciary.

No further action was taken by the Senate on H.R. 2921 in the 105th Congress.

SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

(H.R. 695)

To amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption.

Summary

The purpose of H.R. 695 is to affirm the rights of United States persons to use and sell encryption products domestically and to relax export controls on encryption products. In general, H.R. 695, as reported by the Committee on Commerce, makes it lawful for any person to sell encryption products in interstate commerce regardless of the encryption algorithm selected, key length chosen, or

implementation technique or medium used. On the other hand, the bill makes it illegal to knowingly encrypt incriminating communications or information relating to a felony.

As encryption products become more widespread, the efforts of law enforcement to fight crime may be obstructed. Consequently, H.R. 695 creates a National Electronic Technologies Center (NET Center) that is designed to serve as a center for Federal, State, and local law enforcement authorities to gather information regarding decryption capabilities. H.R. 695 also amends section 17 of the Export Administration Act of 1979 by stating that a valid license is not required, except pursuant to the Trading with the Enemy Act or the International Emergency Economic Powers Act, for the export or re-export of encryption hardware and software that is generally available and in the public domain.

Legislative History

H.R. 695 was introduced in the House by Mr. Goodlatte and 54 cosponsors on February 12, 1997. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations.

The Committee on the Judiciary met on May 14, 1997, to consider H.R. 695 and ordered the bill reported to the House, amended, by a voice vote. On May 22, 1997, the Committee on the Judiciary reported H.R. 695 to the House (H. Rpt. 105-108, Part 1). On May 22, 1997, the referral of H.R. 695 to the Committee on International Relations was extended for a period ending not later than July 11, 1997. On June 26, 1997, the referral of H.R. 695 to the Committee on International Relations was extended for a period ending not later than July 25, 1997. On June 26, 1997, H.R. 695 was referred, sequentially, to the Committee on Commerce, the Committee on National Security, and the House Permanent Select Committee on Intelligence for a period ending not later than September 5, 1997.

The Committee on International Relations met on July 22, 1997, to consider H.R. 695, and ordered the bill reported to the House, amended, by a voice vote. On July 25, 1997, the Committee on International Relations reported H.R. 695 to the House (H. Rpt. 105-108, Part 2).

On July 30, 1997, the referral of H.R. 695 to the House Permanent Select Committee on Intelligence was extended for a period ending not later than September 12, 1997. On July 31, 1997, the referral of the bill to the Committee on National Security was extended for a period ending not later than September 12, 1997. On September 5, 1998, the referral of H.R. 695 to the Committee on Commerce was extended for a period ending not later than September 12, 1998.

The Committee on National Security met on September 9, 1997, and ordered H.R. 695 reported to the House, amended, by voice vote. On September 12, 1997, the Committee on National Security reported H.R. 695 to the House (H. Rpt. 105-108, Part 3).

The Permanent Select Committee on Intelligence met in an open session on September 11, 1997, and ordered H.R. 695 reported to the House, amended, by voice vote. On September 11, 1998, the referral of H.R. 695 to the Permanent Select Committee on Intel-

ligence was extended for a period ending not later than September 16, 1997. On September 11, 1998, the referral of H.R. 695 to the Committee on Commerce was extended for a period ending not later than September 26, 1997. On September 16, 1997, the Permanent Select Committee on Intelligence reported H.R. 695 to the House (H. Rpt. 105-108, Part 4).

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 695 on September 4, 1997. The Subcommittee received testimony from Members of Congress, government experts, and representatives of private industry.

On September 24, 1997, the Full Committee on Commerce met in open markup session to consider H.R. 695; having agreed to a unanimous consent request to discharge the Subcommittee on Telecommunications, Trade, and Consumer Protection from further consideration and to proceed to the immediate consideration of H.R. 695. The Full Committee ordered H.R. 695 reported to the House, amended, by a roll call vote of 44 yeas to 6 nays. On September 25, 1998, the referral of H.R. 695 to the Committee on Commerce was extended for a period ending not later than September 29, 1997. On September 29, 1997, the Full Committee reported H.R. 695 to the House (H. Rpt. 105-108, Part 5).

No further action was taken on H.R. 695 in the 105th Congress.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1998

(H.R. 3844, S. 2519)

To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, and for other purposes.

Summary

The purpose of H.R. 3844 is to promote and enhance public safety through the use of 911 as the universal emergency assistance number; further the deployment of wireless 911 service; support States in upgrading 911 capabilities and related functions; encourage construction and operation of seamless, ubiquitous and reliable networks for personal wireless services; and ensure access to Federal government property for such networks. The bill accomplishes this by requiring that the Federal Communications Commission designate "911" as the universal emergency telephone number for both wireline and wireless telephone calls. The bill also enhances the provision of wireless telephone emergency services by establishing a fund, administered by the Department of the Treasury and allocated in State grants by the Department of Transportation, to (1) upgrade the equipment of "public safety answering points" to enable them to receive number and location information with wireless emergency telephone calls and (2) fund emergency educational programs.

The fund would come from both an annual appropriation to the Department of Transportation and the profit portion of lease fees,

credited by Federal agencies, for siting cellular antennas and other facilities of personal wireless services providers on Federal property. In order to maximize such fund resources, and speed the deployment of personal wireless services, including wireless 911, the bill provides for a streamlined process for Federal property managers to respond to a siting request by a personal wireless provider. Finally, to encourage the provision of wireless telephone emergency services, the bill provides the same degree of protection from liability for emergency telephone and other services to wireless carriers in each State as provided in that State to a wireline carrier.

Legislative History

H.R. 3844 was introduced in the House by Mr. Tauzin and 13 cosponsors on May 12, 1998. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 3844 on June 9, 1998. The Subcommittee heard testimony from representatives of the National Highway Traffic Safety Administration, the General Services Administration, and private industry.

On July 22, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3844 for Full Committee consideration, amended, by a voice vote. The Full Committee met in open markup session on August 5, 1998, and ordered H.R. 3844 reported to the House, amended, by a voice vote, a quorum being present.

On September 17, 1998, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Commerce indicating that the Committee on Science would not seek a sequential referral of H.R. 3844. The Chairman of the Committee on Commerce replied on September 18, 1998, acknowledging the Science Committee's jurisdictional interest. On September 28, 1998, the Chairman of the Committee on Resources sent a letter to the Chairman of the Committee on Commerce indicating that the Committee on Resources would not seek a sequential referral of H.R. 3844. The Chairman of the Committee on Commerce acknowledged the Committee on Resources' jurisdictional interest in H.R. 3844.

On October 2, 1998, the Committee on Commerce reported H.R. 3844 to the House (H. Rpt. 105-768, Part 1). On October 2, 1998, H.R. 3844 was referred, sequentially, to the Committee on Transportation and Infrastructure for a period ending not later than October 9, 1998. On October 9, 1998, the referral of H.R. 3844 to the Committee on Transportation and Infrastructure was extended for a period ending not later than October 16, 1998. On October 16, 1998, the referral of H.R. 3844 to the Committee on Transportation and Infrastructure was extended for a period ending not later than October 20, 1998. On October 20, 1998, the referral of H.R. 3844 to the Committee on Transportation and Infrastructure was extended for a period ending not later than October 21, 1998.

No further action was taken on H.R. 3844 in the 105th Congress.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

(H.R. 3210)

To amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

Summary

H.R. 3210 rewrites Federal copyright law to effectively provide satellite companies with a compulsory license to permit the retransmission of local television broadcast station signals in the local television market of such station subject to certain conditions. The bill requires satellite carriers providing direct-to-home service of a television broadcast station to subscribers located within the local market of such station to carry all such stations located within that local market, so-called "must-carry requirements." The bill also directs the Federal Communications Commission to establish regulations that apply network nonduplication protection, syndicated exclusivity protection, and sports blackout protection to the retransmission of broadcast signals by satellite carriers to subscribers for private home viewing.

Legislative History

H.R. 3210 was introduced in the House by Mr. Coble on February 12, 1998. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

On March 18, 1998, the Committee on the Judiciary met in open markup session and ordered H.R. 3210 reported to the House, amended, by a voice vote.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 3210 on April 1, 1998. Testimony was received from representatives of the Federal Communications Commission and private industry.

No further action was taken on H.R. 3210 in the 105th Congress.

SLAMMING PREVENTION AND CONSUMER PROTECTION ACT OF 1997

(H.R. 3050)

To establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of telephone service subscribers, and for other purposes.

Summary

H.R. 3050 requires both the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) to reduce the practice of "slamming," the unauthorized switch of a consumer's telephone carrier of choice. In particular, the bill directs the FTC to regulate the Primary Interexchange Carrier (PIC) verifications, and directs the FCC to prohibit the use of so-called "negative options," whereby a consumer's PIC may be changed merely because the consumer fails to respond to an advertisement or solicitation. The bill also requires slamming carriers to refund to slammed subscribers, or altogether discharge them from liability for, charges

imposed during the three-month period following an unauthorized PIC change. The bill reserves the rights of States to impose and enforce their own methods to reduce the practice of slamming.

Legislative History

H.R. 3050 was introduced in the House by Mr. Dingell on November 13, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on June 23, 1998. The Subcommittee received testimony from Members of Congress, Federal regulators, and representatives of industry trade groups, telecommunications companies, and consumer groups.

On August 6, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3888, amended, for Full Committee consideration, in lieu of H.R. 3050.

No further action occurred on H.R. 3050 in the 105th Congress. For the legislative history of H.R. 3888, see the discussion of the Telecommunications Competition and Consumer Protection Act of 1998 in this section.

DATA PRIVACY ACT OF 1997

(H.R. 2368)

To promote the privacy of interactive computer service users through self-regulation by the providers of such services, and for other purposes.

Summary

H.R. 2368 builds on industry efforts to enhance the privacy of users of Internet services and other interactive computer services. The bill relies on voluntary, industry-developed privacy guidelines, and establishes certain privacy guidelines. The bill provides for the establishment of a computer interactive services industry working group which is intended to establish voluntary guidelines: (1) limiting the collection and use, for commercial marketing, of personal information obtained from individuals via electronic mediums; (2) relating to the distribution of unsolicited commercial electronic mail; and (3) providing incentives for following such guidelines.

H.R. 2368 prohibits: (1) the commercial marketing use of certain government information regarding an individual that is obtained through the use of any interactive computer service without the individual's prior consent; and (2) the display of any individual's Social Security number through the use of any interactive computer service, with specified exceptions. Further the bill prohibits the commercial marketing use of any personal health and medical information obtained through an interactive computer service unless the person has obtained prior consent of the individual to whom such information relates for such use or such use is otherwise authorized by law.

Legislative History

H.R. 2368 was introduced in the House by Representatives Tauzin and Gillmor on July 31, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on Electronic Commerce: Privacy in Cyberspace on July 21, 1998. The hearing also focused on H.R. 2368. The Subcommittee received testimony from the Chairman and three of the Commissioners of the Federal Trade Commission (FTC), a privacy advocate, and representatives of industry trade groups and a consumer group.

No further action was taken on H.R. 2368 in the 105th Congress.

SAFE SCHOOLS INTERNET ACT OF 1998

(H.R. 3177)

To require the installation of a system for filtering or blocking matter on the Internet on computers in schools and libraries with Internet access, and for other purposes.

Summary

H.R. 3177 amends the Communications Act of 1934, as amended, and requires elementary and secondary schools to certify that they have filtering software in place that will block access to inappropriate material prior to the school receiving universal service assistance. Libraries are required to make a similar certification. The bill also provides that the local school, school board, or library make the determination regarding what matter is inappropriate for minors.

Legislative History

H.R. 3177 was introduced in the House on February 11, 1998 by Mr. Franks of New Jersey. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. At the hearing, the Subcommittee considered H.R. 3177, along with H.R. 3783, H.R. 774, H.R. 1964, H.R. 3442, and H.R. 1180. Witnesses at the hearing included Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783, amended, for Full Committee consideration, in lieu of H.R. 3177.

No further action was taken on H.R. 3177 in the 105th Congress. For the legislative history of H.R. 3783, see the discussion of the Child Online Protection Act in this section.

FAMILY-FRIENDLY INTERNET ACCESS ACT OF 1997

(H.R. 1180)

To amend the Communications Act of 1934 to require Internet access providers to provide screening software to permit parents to control Internet access by their children.

Summary

H.R. 1180 amends section 230 of the Communications Act of 1934, as amended, to require Internet access providers to offer customers screening software that is designed to permit a customer to limit access to material that is unsuitable for children. The software must be offered to the customer either at no charge or for a fee that does not exceed the cost of the software.

Legislative History

On March 20, 1997, Mr. McDade introduced H.R. 1180 in the House. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. At the hearing, the Subcommittee considered H.R. 1180, along with H.R. 3783, H.R. 774, H.R. 1964, H.R. 3177, and H.R. 3442. Witnesses at the hearing included Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783, amended, for Full Committee consideration, in lieu of H.R. 1180.

No further action was taken on H.R. 1180 in the 105th Congress. However, portions of the bill, as amended, were included in H.R. 3783, the Child Online Protection Act, as passed by the House. Portions of H.R. 1180, as amended, were also included in H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, as passed by the House and Senate, and enacted into law as Public Law 105-277. For the legislative history of H.R. 3783, see the discussion of the Child Online Protection Act in this section. For the legislative history of H.R. 4328, see the discussion of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 in this section.

INTERNET FREEDOM AND CHILD PROTECTION ACT OF 1997

(H.R. 774)

To amend the Communications Act of 1934 to restore freedom of speech to the Internet and to protect children from unsuitable online material.

Summary

H.R. 774 amends section 223 of the Communications Act of 1934, as amended, to require Internet access providers to offer each customer screening software that is designed to permit a customer to

limit access to material that is unsuitable for children. The software must be offered to the customer either for a fee or at no charge.

Legislative History

On February 13, 1997, Ms. Lofgren introduced H.R. 774 in the House. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. At the hearing, the Subcommittee considered H.R. 774, along with H.R. 3783, H.R. 1964, H.R. 1180, H.R. 3177 and H.R. 3442. Witnesses at the hearing included Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783, amended, for Full Committee consideration, in lieu of H.R. 774.

No further action was taken on H.R. 774 in the 105th Congress. However, portions of the bill, as amended, were included in H.R. 3783, the Child Online Protection Act, as passed by the House. Portions of H.R. 774, as amended, were also included in H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, as passed by the House and Senate, and enacted into law as Public Law 105-277. For the legislative history of H.R. 3783, see the discussion of the Child Online Protection Act in this section. For the legislative history of H.R. 4328, see the discussion of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 in this section.

E-RATE POLICY AND CHILD PROTECTION ACT OF 1998

(H.R. 3442)

To amend the Communications Act of 1934 to require schools and libraries that receive universal service support for discounted telecommunications services to establish policies governing access to material that is inappropriate for children.

Summary

H.R. 3442 amends section 254 of the Communications Act of 1934, as amended (the Act), to require an elementary or secondary school or library that obtains preferential rates under the Act to establish a policy with respect to access to material that is inappropriate for children. H.R. 3442 also provides that after January 1, 1999, an elementary or secondary school or library may not continue to be eligible to obtain services or preferential rates under the Act unless such school or library has filed with the Federal Communications Commission a statement describing its policy to restrict access.

Legislative History

On March 11, 1998, Representatives Markey and Manton introduced H.R. 3442 in the House. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. At the hearing, the Subcommittee considered H.R. 3442, along with H.R. 3783, H.R. 774, H.R. 1964, H.R. 3177, and H.R. 1180. Witnesses at the hearing included Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783, amended, for Full Committee consideration, in lieu of H.R. 3442.

No further action was taken on H.R. 3422 in the 105th Congress. For the legislative history of H.R. 3783, see the discussion of the Child Online Protection Act in this section.

COMMUNICATIONS PRIVACY AND CONSUMER EMPOWERMENT ACT

(H.R. 1964)

To protect consumer privacy, empower parents, enhance the telecommunications infrastructure for efficient electronic commerce, and safeguard data security.

Summary

H.R. 1964 addresses a number of communications issues involving consumer privacy, online pornography, telecommunications infrastructure, and data security. Title I of the bill requires the Federal Trade Commission (FTC) and Federal Communications Commission (FCC) to adopt regulations that will prevent the unauthorized collection and disclosure of personal information when such information is gathered through the use of telecommunications facilities and services. In addition, both the FTC and FCC are required to make legislative recommendations to Congress, if any, on ways to protect the privacy rights of consumers. Title I of the bill also requires Internet access providers to offer their customers screening software that is designed to permit the customer to limit access to material that is inappropriate for children. In addition, Title I extends the current scanner equipment manufacturing prohibitions contained in the Communications Act of 1934 to digital mobile radio services.

Title II of H.R. 1964 amends the Communications Act of 1934 to allow information service providers to interconnect their facilities with the facilities of incumbent local exchange carriers and the information service provider would be entitled to certain rights for purposes of negotiation, mediation, arbitration, and approval of interconnection agreements. Title II also requires the FCC to consider the needs of information service providers when it considers adopting procedures regarding network planning and interconnectivity. Finally, Title II requires the National Tele-

communications and Information Administration to study network reliability and data security issues and also prohibits the Federal and State governments from regulating the sale of encryption products.

Legislative History

On June 19, 1997, Mr. Markey introduced H.R. 1964 in the House. The bill was referred solely to the Committee on Commerce.

On September 11, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. At the hearing, the Subcommittee considered H.R. 1964, along with H.R. 3783, H.R. 774, H.R. 1180, H.R. 3177, and H.R. 3442. Witnesses at the hearing included Members of Congress, representatives of private industry, professors, and a representative from the Federal Bureau of Investigation.

On September 17, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection met in open markup session and approved H.R. 3783, amended, for Full Committee consideration, in lieu of H.R. 1964.

No further action was taken on H.R. 1964 in the 105th Congress. However, portions of the bill, as amended, were included in H.R. 3783, the Child Online Protection Act, as passed by the House. Portions of H.R. 1964, as amended, were also included in H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, as passed by the House and Senate, and enacted into law as Public Law 105-277. For the legislative history of H.R. 3783, see the discussion of the Child Online Protection Act in this section. For the legislative history of H.R. 4328, see the discussion of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 in this section.

PUBLIC BROADCASTING REFORM ACT OF 1998

(H.R. 4067)

To establish the Commission for the Future of Public Broadcasting and authorize appropriations for the Corporation for Public Broadcasting, and for other purposes.

Summary

H.R. 4067 establishes a commission to conduct a study to identify and analyze various options for: (1) providing financial support to public broadcast stations for the provision of public telecommunications services, the utilization of new technologies, and converting such stations to such new technologies; (2) providing a funding mechanism for the Corporation for Public Broadcasting (CPB) that replaces Federal appropriations; (3) reducing Federal spending for public broadcasting; (4) establishing a fee for exemption from certain public interest broadcasting requirements; and (5) carrying out the goals of public broadcasting.

The bill places limitations on the underwriting practices for public broadcasting programming and provides incentives to encourage the consideration of public broadcasting stations in markets where there is more than one. The bill also reauthorizes CPB and the

Public Telecommunications Facilities Program within the National Telecommunications and Information Administration of the Department of Commerce, and provides new authorization for conversion funds for the transition from analog to digital transmission.

Legislative History

H.R. 4067 was introduced in the House by Representatives Tauzin and Markey on June 16, 1998. The bill was referred solely to the Committee on Commerce.

On October 5, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 4067. The hearing also focused on public broadcasting issues in general, including the CPB. The purpose of the hearing was to hear the public broadcasting community's perspective on legislative efforts to reauthorize the CPB and provide funding for the transition from analog to digital television transmission. Testimony was received from representatives of the public broadcasting community.

OVERSIGHT OR INVESTIGATIVE ACTIVITIES

CELLULAR PRIVACY: "IS ANYONE LISTENING? YOU BETCHA!"

On February 5, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing entitled "Cellular Privacy: Is Anyone Listening? You Betcha!." Testimony was received from representatives of the Federal Communications Commission, law enforcement officials, industry trade groups, an equipment provider, and a privacy advocate. The purpose of the hearing was to examine current laws affording privacy protections for cellular and other wireless telephone users and to expose any weaknesses with the law. The hearing also examined barriers that prevent law enforcement officials from effectively enforcing privacy laws.

SPECTRUM MANAGEMENT POLICY

On February 12, 1997, and September 18, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held oversight hearings on the use of the Federal electromagnetic spectrum and the Federal Communications Commission's (FCC's) spectrum allocation policy. Testimony on February 12, 1997, was received from the Chairman of the FCC, a Department of Commerce representative, representatives of telecommunications companies, and a public safety official from a local police department. Testimony on September 18, 1998, was received from representatives of the FCC, a private telecommunications company, and wireless telecommunications companies. The purpose of the hearings was to determine: (1) whether the spectrum was being allocated properly and if the FCC effectively conducted its allocation process; and (2) the impact of the FCC's decisions on private telecommunications companies.

WTO TELECOM AGREEMENT

On March 19, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the

WTO Telecom Agreement: Results and Next Steps. Witnesses included the United States Trade Representative and the Chairman of the Federal Communications Commission, as well as telecommunications industry representatives. The hearing provided Members of the Subcommittee with information on the nature of the World Trade Organization's Basic Telecommunications Agreement and the implementation of that agreement.

PRODUCT LIABILITY REFORM

The Subcommittee on Telecommunications, Trade, and Consumer Protection held two oversight hearings on product liability reform. On April 8, 1997, the Subcommittee held an oversight hearing on product liability and whether our legal system is jeopardizing consumers' access to life-saving products. Testimony was received from injured persons with medical implants relying on biomaterials supplies, an author of a study on biomaterials supplies availability, a representative of a medical device manufacturer, and patient advocates.

On April 30, 1997, the Subcommittee held an oversight hearing on product liability reform and how the legal fee structure affects consumer compensation. Testimony was received from consumer advocates, law professors, consumer lawyers, a consumer class action victim, and representatives of the American Bar Association.

REAUTHORIZATION OF THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

On April 24, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the National Telecommunications and Information Administration (NTIA) of the Department of Commerce. Testimony was received from the head of NTIA, an academic expert, grant recipients, and private parties competing against grant recipients. The purpose of the hearing was to consider issues relevant to legislative efforts to reauthorize NTIA.

AIR BAGS, CAR SEATS, AND CHILD SAFETY

On April 28, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on Air Bags, Car Seats, and Child Safety. The hearing was intended to educate Members and the public about the potential for injury to children and adults from air bags and improperly installed child safety seats. The Subcommittee received testimony from representatives of the Administration, domestic and international automobile manufacturers, automobile dealers, and consumer safety organizations.

THE NEW TV RATINGS SYSTEM: HOW IS IT PLAYING IN PEORIA?

On May 19, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight field hearing in Peoria, Illinois, to examine the television ratings guidelines developed by the television and media industries. Testimony was received from representatives of industry groups and private citizens

of the Peoria community. The purpose of the hearing was to help determine whether the industry guidelines were being widely accepted by the general public and what changes parents and children thought should be made.

REAUTHORIZATION OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

On May 22, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the Reauthorization of the National Highway Traffic Safety Administration. The purpose of the hearing was to evaluate the operations of the National Highway Traffic Safety Administration since it was last reauthorized in 1991. The Subcommittee received testimony from representatives of domestic and international automobile manufacturers, insurers, consumer advocacy groups, think tanks, and the Administration.

VIDEO COMPETITION

On July 29, 1997, and October 30, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held oversight hearings on the status of, and barriers to, competition in the video marketplace. Testimony was received from representatives of industry trade groups, Federal regulators, telecommunications companies, and consumer groups. The purpose of the hearings was to explore what barriers existed to the development of long-standing vibrant competition to incumbent cable providers and to consider the effectiveness of existing law intended to provide access to programming for video programming distributors. These same issues were also addressed at a Subcommittee legislative hearing on April 1, 1998, on H.R. 2921 and H.R. 3210.

REAUTHORIZATION OF THE CONSUMER PRODUCT SAFETY COMMISSION

In mid-1996, the Chairmen of the House Committee on Commerce and the Senate Committee on Commerce, Science, and Transportation jointly requested that the General Accounting Office (GAO) review the Consumer Product Safety Commission's (CPSC's) project selection, use of risk assessment and cost-benefit analysis, as well as the agency's information release procedures.

On October 23, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the reauthorization of the CPSC, focusing on a General Accounting Office Report, prepared in the response to the joint request, entitled *Consumer Product Safety Commission: Better Data Needed to Help Identify and Analyze Potential Hazards.* Testimony was received from representatives of the GAO and CPSC Commissioners.

TOBACCO SETTLEMENT: VIEWS OF BUSINESSES EXCLUDED FROM THE TOBACCO SETTLEMENT NEGOTIATIONS

On February 25, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing as part of a larger series of hearings held by the Committee and its subcommittees on the ramifications of the proposed settlement be-

tween the nation's largest tobacco product manufacturers and several State attorneys general. This hearing focused on the concerns of businesses excluded from that settlement agreement. The Subcommittee heard testimony from representatives of large and small retailers, small cigarette and smokeless tobacco product manufacturers, cigar manufacturers, and large and small vending machine operators.

WIRELESS ENHANCED 911 SERVICES

On March 24, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on wireless enhanced 911 issues. Testimony was received from a Member of Congress, public safety representatives, a local mayor, and representatives of Federal agencies, industry trade groups, and a telecommunications company. The purpose of the hearing was to explore issues relating to the advancement of enhanced 911 (E911) wireless technologies and recent Federal Communications Commissions rules intended to promote E911, including facilities siting on Federal land, local zoning authority, a national 911 telephone number, State and local funding, crash information systems, and liability protections.

REAUTHORIZATION OF THE FEDERAL COMMUNICATIONS COMMISSION

On March 31, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the Federal Communications Commission (FCC). Testimony was received from the Chairman of the FCC and the four Commissioners. The purpose of the hearing was to consider issues relevant to legislative efforts to reauthorize the FCC.

DIGITAL HIGH DEFINITION TELEVISION: COMING SOON TO A HOME THEATER NEAR YOU

On April 23, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the status and development of digital television. Testimony was received from representatives of industry trade groups, equipment manufacturers, and telecommunications companies. The purpose of the hearing was to examine the different technologies and transmission standards available to broadcasters to provide digital television, including high definition television. The hearing also examined how well consumers would convert to digital from analog television.

ELECTRONIC COMMERCE

The Subcommittee on Telecommunications, Trade and Consumer Protection held five hearings as part of the Committee's electronic commerce initiative. On May 7, 1998, the Subcommittee on Telecommunications, Trade and Consumer Protection held a hearing which focused on the next generation of high-speed data networks for access to the Internet and related computer networks. The hearing explored the development and deployment of high-speed and high-bandwidth networks designed to provide access to the

Internet and other online services for residential and small business customers. A variety of new technologies were discussed, including cable modems, Digital Subscriber Lines (DSL) and satellite broadcasting. In addition, the current state of the Internet backbone was discussed. Witnesses included representatives of industries that provide, or plan to provide, high-speed access to the Internet or other computer networks.

On May 21, 1998, the Subcommittee held a hearing which focused on online commercial activities. The hearing explored how electronic commerce is changing the way business is conducted, barriers to the growth and development of electronic commerce, consumer concerns over electronic commerce, and the importance of electronic authentication in electronic commerce. Witnesses included representatives from companies currently engaged in electronic commerce.

On June 10, 1998, the Subcommittee held a hearing which focused on the future of the Internet Domain Name System. The hearing explored the Administration's plan to transfer management of the Domain Name System to the private sector, the possible addition of new generic Top Level Domains, the interplay between trademarks and domain names, and future developments affecting the Domain Name System. Witnesses included representatives of the National Science Foundation, the National Telecommunications and Information Administration, companies currently providing, or intending to provide, domain name registration services, trademark holders, and Internet users.

On June 25, 1998, the Subcommittee held a hearing which focused on the protection of consumers in Cyberspace. The hearing examined the migration of traditional fraudulent business practices to the Internet, actions taken by Federal and State law enforcement authorities and efforts by the business community to promote consumer confidence online. Witnesses included representatives from the Federal Trade Commission, the New York State Attorney General's office, business-consumer groups, and the academic community.

On July 21, 1998, the Subcommittee held a hearing which focused on the issue of privacy online. The hearing examined the Federal Trade Commission's June 1998 study of privacy practices of commercial website operators, current efforts by the private sector to establish a self-regulatory system to protect the privacy of both adults and children while online, and the European Union's impending data protection directive. The hearing also focused on H.R. 2368, the Data Privacy Act of 1997. Witnesses included the Chairman of the Federal Trade Commission, Commissioners of the Federal Trade Commission, representatives of the civil liberties and public policy communities, industry observers, and representatives of companies involved in the establishment of a privacy self-regulatory model.

CHINA TRADE POLICY

On May 14, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on China Trade Policy. Witnesses included an Under Secretary from the Department of Commerce, representatives from private indus-

try, including the textile and semiconductor industries, and other experts. The hearing provided information on the status of U.S. trade policy with China as well as considerations to be taken into account in dealing with the People's Republic of China in the future.

PROTECTING CONSUMERS AGAINST CRAMMING AND SPAMMING

On September 28, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing to examine the anti-consumer telecommunications practices known as "cramming," the unauthorized addition of service-related charges to consumers' bills, and "spamming," the sending of unsolicited commercial electronic mail. Testimony was received from State officials, Federal regulators, and representatives of industry trade groups and telecommunications companies. The purpose of the hearing was to explore the number and scope of consumer complaints regarding cramming and spamming. The hearing also examined collective efforts by industry and State and Federal regulators to prevent the occurrence of cramming and spamming.

DOMAIN NAME SYSTEM

By letter, dated October 22, 1998, to the Secretary of Commerce and the Senior Advisor to the President, the Committee on Commerce initiated an inquiry and document request concerning the Administration's plan to transfer management of the Internet Domain Name System (DNS) from the Federal government to the private sector. The Committee was concerned about: (1) the legal authority of the Department of Commerce to assume management of the DNS from the National Science Foundation and to transfer this authority to the private sector; (2) the openness of the process of creating a non-profit corporation to assume management of the DNS; (3) the short public comment period provided by the Department of Commerce to comment on the structure and bylaws of the proposed non-profit corporation; and (4) the consideration and nomination of individuals to the interim board of directors to the Internet Corporation for Assigned Names and Numbers, the proposed non-profit corporation.

The Committee on Commerce will continue to monitor the formation of the non-profit corporation and the transfer of management of the Domain Name System from the Department of Commerce to this new corporation in the 106th Congress.

HEARINGS HELD

Cellular Privacy: "Is Anyone Listening? You Betcha!.—Oversight Hearing on Cellular Privacy: "Is Anyone Listening? You Betcha!" Hearing held on February 5, 1997. PRINTED, Serial Number 105-22.

The Armored Car Reciprocity Amendments of 1997.—Hearing on H.R. 624, the Armored Car Reciprocity Amendments of 1997. Hearing held on February 11, 1997. PRINTED, Serial Number 105-1.

Spectrum Management Policy.—Oversight Hearing on Spectrum Management Policy. Hearing held February 12, 1997. PRINTED, Serial Number 105-10.

The World Trade Organization Telecom Agreement: Results and Next Steps.—Oversight Hearing on the World Trade Organization (WTO) Telecom Agreement: Results and Next Steps. Hearing held on March 19, 1997. PRINTED, Serial Number 105-11.

Product Liability Reform.—Oversight Hearing on Product Liability Reform and Consumer Access to Life-Saving Products. Hearing held on April 8, 1997. PRINTED, Serial Number 105-31.

Reauthorization of the National Telecommunications and Information Administration.—Oversight Hearing on Reauthorization of the National Telecommunications and Information Administration. Hearing held on April 24, 1997. PRINTED, Serial Number 105-13.

Air Bags, Car Seats and Child Safety.—Oversight Hearing on Air Bags, Car Seats and Child Safety. Hearing held on April 28, 1997. PRINTED, Serial Number 105-16.

Product Liability Reform.—Oversight Hearing on Product Liability Reform and How the Legal Fee Structure Affects Consumer Compensation. Hearing held on April 30, 1997. PRINTED, Serial Number 105-31.

The New TV Ratings System: How Is It Playing in Peoria?—Oversight Field Hearing in Peoria, Illinois on the New TV Ratings System: How Is It Playing in Peoria? Hearing held on May 19, 1997. PRINTED, Serial Number 105-23.

Reauthorization of the National Highway Traffic Safety Administration.—Oversight Hearing on Reauthorization of the National Highway Traffic Safety Administration. Hearing held on May 22, 1997. PRINTED, Serial Number 105-30.

The National Salvage Motor Vehicle Consumer Protection Act of 1997.—Hearing on H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act of 1997. Hearing held on June 26, 1997. PRINTED, Serial Number 105-35.

The Internet Tax Freedom Act.—Hearing on H.R. 1054, the Internet Tax Freedom Act. Hearing held on July 11, 1997. PRINTED, Serial Number 105-33.

Video Competition.—Oversight Hearing on Video Competition: The Status of Competition Among Video Delivery Systems. Hearing held on July 29, 1997. PRINTED, Serial Number 105-47.

The Security and Freedom Through Encryption (SAFE) Act.—Hearing on H.R. 695, the Security and Freedom Through Encryption (SAFE) Act of 1997. Hearing held on September 4, 1997. PRINTED, Serial Number 105-39.

The Communications Satellite Competition and Privatization Act of 1997.—Hearing on H.R. 1872, the Communications Satellite Competition and Privatization Act of 1997. Hearing held on September 30, 1997. PRINTED, Serial Number 105-61.

Reauthorization of the Consumer Product Safety Commission.—Oversight Hearing on Reauthorization of the Consumer Product Safety Commission. Hearing held on October 23, 1997. PRINTED, Serial Number 105-54.

The National Highway Traffic Safety Administration Reauthorization Act of 1997.—Hearing on H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1997. Hearing held on October 29, 1997. PRINTED, Serial Number 105-52.

Video Competition.—Oversight Hearing on Video Competition: Access to Programming. Hearing held on October 30, 1997. PRINTED, Serial Number 105-47.

The Tobacco Settlement—Part 2.—Oversight Hearing on The Tobacco Settlement: Views of Businesses Excluded from the Tobacco Settlement. Hearing held on February 25, 1998. PRINTED, Serial Number 105-72.

Wireless Enhanced 911 Services.—Oversight Hearing on Wireless Enhanced 911 Services. Hearing held on March 24, 1998. PRINTED, Serial Number 105-74.

Reauthorization of the Federal Communications Commission.—Oversight Hearing on Reauthorization of the Federal Communications Commission. Hearing held on March 31, 1998. PRINTED, Serial Number 105-91.

Video Competition: Multichannel Programming.—Hearing on H.R. 2921, the Multichannel Video Competition and Consumer Protection Act of 1997; and H.R. 3210, the Copyright Compulsory License Improvement Act. Hearing held on April 1, 1998. PRINTED, Serial Number 105-80.

High Definition Television: Coming to a Home Theater Near You.—Oversight Hearing on High Definition Television: Coming Soon to a Home Theater Near You. Hearing held on April 23, 1998. PRINTED, Serial Number 105-89.

Electronic Commerce—Part 3.—Oversight Hearing on Electronic Commerce: Building Tomorrow's Information Infrastructure. Hearing held on May 7, 1998. PRINTED, Serial Number 105-113.

China Trade Policy.—Oversight Hearing on China Trade Policy. Hearing held on May 14, 1998. PRINTED, Serial Number 105-93.

Electronic Commerce—Part 3.—Oversight Hearing on Electronic Commerce: Doing Business On-line. Hearing held on May 21, 1998. PRINTED, Serial Number 105-113.

The World Intellectual Property Organization (WIPO) Treaties Implementation Act.—Hearing on H.R. 2281, the World Intellectual Property Organization (WIPO) Treaties Implementation Act. Hearing held on June 5, 1998. PRINTED, Serial Number 105-102.

Wireless Communications and Public Safety Act of 1998.—Hearing on H.R. 3844, the Wireless Communications and Public Safety Act of 1998. Hearing held on June 9, 1998. PRINTED, Serial Number 105-116.

Electronic Commerce—Part 3.—Oversight Hearing on Electronic Commerce: The Future of the Domain Name System. Hearing held on June 10, 1998. PRINTED, Serial Number 105-113.

Protecting Consumers Against Slamming.—Hearing on H.R. 3050, Slamming Prevention and Consumer Protection Act of 1997; and H.R. 3888, Anti-Slamming Amendments Act. Hearing held on June 23, 1998. PRINTED, Serial Number 105-101.

Electronic Commerce—Part 3.—Oversight Hearing on Electronic Commerce: Consumer Protection in Cyberspace. Hearing held on June 25, 1998. PRINTED, Serial Number 105-113.

Electronic Commerce—Part 3.—Oversight Hearing on Electronic Commerce: Privacy in Cyberspace. This hearing also focused on H.R. 2368, the Data Privacy Act of 1997. Hearing held on July 21, 1998. PRINTED, Serial Number 105-113.

Legislative Proposals to Protect Children from Inappropriate Materials on the Internet.—Hearing on H.R. 3783, the Child Online Protection Act; H.R. 1180, the Family Friendly Internet Access Act of 1997; H.R. 1964, the Communications Privacy and Consumer Empowerment Act; H.R. 3177, the Safe Schools Internet Act of 1998; H.R. 3442, the E-Rate Policy and Child Protection Act of 1998; and H.R. 774, the Internet Freedom and Child Protection Act of 1997. Hearing held on September 11, 1998. PRINTED, Serial Number 105-119.

Spectrum Management Oversight.—Oversight Hearing on Spectrum Management Oversight. Hearing held on September 18, 1998. PRINTED, Serial Number 105-134.

Protecting Consumers Against Cramming and Spamming.—Oversight Hearing on Protecting Consumers Against Cramming and Spamming. Hearing held on September 28, 1998. PRINTED, Serial Number 105-126.

Public Broadcasting Reform Act of 1998.—Hearing on H.R. 4067, the Public Broadcasting Reform Act of 1998. Hearing held on October 5, 1998. PRINTED, Serial Number 105-132.

SUBCOMMITTEE ON FINANCE AND HAZARDOUS MATERIALS

(Ratio: 15-12)

MICHAEL G. OXLEY, Ohio, *Chairman*

W.J. "BILLY" TAUZIN, Louisiana
Vice Chairman
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
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GREG GANSKE, Iowa
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RICK LAZIO, New York
BARBARA CUBIN, Wyoming
HEATHER WILSON, New Mexico
TOM BLILEY, Virginia
(Ex Officio)

THOMAS J. MANTON, New York
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
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RALPH M. HALL, Texas
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: Securities, exchanges, and finance; solid waste, hazardous waste and toxic substances, including Superfund and RCRA (excluding mining, oil, gas, and coal combustion wastes); noise pollution control; insurance, except health insurance; and regulation of travel, tourism, and time.

LEGISLATIVE ACTIVITIES

EXTENSION OF THE INVESTMENT ADVISERS SUPERVISION COORDINATION ACT EFFECTIVE DATE

Public Law 105-8 (S. 410)

To extend the effective date of the Investment Advisers Supervision Coordination Act.

Summary

S. 410 extends the effective date of the Investment Advisers Supervision Coordination Act by 90 days. The implementation of that Act was required to be completed within 180 days of enactment of the Public Law 104-290, the National Securities Markets Improvement Act of 1996.

The Securities and Exchange Commission was in the process of effecting changes required by Public Law 104-290 when it determined that an extension of the effective date would be necessary to avoid regulatory gaps that might otherwise occur. S. 410 provides the requested extension in order to facilitate effective implementation of the law and to prevent regulatory uncertainty.

Legslative History

Senators D'Amato, Gramm, Sarbanes, and Dodd introduced S. 410 in the Senate on March 6, 1997. The legislation was referred to the Senate Committee on Banking, Housing, and Urban Affairs.

On March 12, 1997, by unanimous consent, the Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 410. By unanimous consent, the Senate then proceeded to the immediate consideration of S. 410 and passed the bill, without amendment.

S. 410 was received in the House and held at the desk on March 13, 1997. Because of the time constraints and need to act swiftly because of the approaching deadline in Public Law 104-290, the Committee on Commerce did not seek referral of the bill, agreeing instead to expedite the legislative process by taking S. 410 directly from the desk. On March 18, 1997, by unanimous consent, the House took S. 410 from the desk, considered the bill, and passed it without amendment, clearing the measure for the President.

On March 21, 1997, S. 410 was presented to the President. The President signed S. 410 into law on March 31, 1997 (Public Law 105-8).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Public Law 105-85 (H.R. 1119, S. 936, S. 924, S. Con. Res. 64)

(Hazardous Materials Related Provisions)

To authorize appropriations for fiscal year 1998 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 105-85 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 and participated in the conference negotiations which led to the agreements contained in H.R. 1119.

Section 343 of the Public Law provides the armed services with greater flexibility with respect to waste storage and disposal. Because the provisions did not in any way weaken existing environmental laws, the Committee on Commerce conferees supported the inclusion of the language.

Section 1026 of the Public Law requires that the Secretary of the Navy, the Administrator of the Maritime Administration, and the Administrator of the Environmental Protection Agency submit to Congress a report on the implementation of the agreement between the Department of the Navy and the Environmental Protection Agency that became effective August 6, 1997, and that is titled "*Export of Naval Vessels that May Contain Polychlorinated Biphenyls [PCBs] for Scrapping Outside the United States.*" The downsizing of the military, including the U.S. Navy, in the post-Cold War period has necessitated the "scrapping" of unnecessary ships. Some of these ships contain PCBs, which are suspected carcinogens. In order to ensure protection of human health and the environment, the Committee conferees supported requiring this report, which

will ensure that Congress will be kept apprised of the handling of PCBs from scrapped ships.

Section 2835 of the Public Law provides for a simple land conveyance dealing with Fort Bragg, North Carolina. Conferees from the Committee on Commerce negotiated compromise language for this section to ensure that it had no effect on the operation of existing environmental laws.

Legslative History

H.R. 1119 was introduced in the House by Representatives Spence and Dellums on March 19, 1997, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 1119 on June 11, 1997, and ordered the bill reported to the House, amended, by a roll call vote of 51 yeas to 3 nays. On June 16, 1997, the Committee on National Security reported H.R. 1119 to the House (H. Rpt. 105-132).

The Committee on Rules met on June 18, 1997, and granted a rule providing for the consideration of H.R. 1119. The rule was filed in the House as H. Res. 169. On June 19, 1997, the House passed H. Res. 169, amended, by a roll call vote of 322 yeas to 101 nays.

The House considered H.R. 1119 on June 19, June 20, June 23, June 24, and June 25, 1997; and on June 25, 1997, passed the bill, amended, by a roll call vote of 304 yeas to 120 nays. On July 7, 1997, H.R. 1119 was received in the Senate, read twice, and placed on the Senate Calendar.

On June 17, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 924 and placed on the Senate Calendar (S. Rpt. 105-29). On June 18, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 936 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 936 on June 19, June 20, July 7, July 8, July 9, July 10, and July 11, 1997. On July 11, 1997, the Senate passed S. 936, amended, by a roll call vote of 94 yeas to 4 nays. On July 11, 1997, by unanimous consent, the Senate agreed to a request that S. Rpt. 105-29, the report to accompany S. 924, be deemed to be the report to accompany S. 936. The Senate then, by unanimous consent, took H.R. 1119 from the Senate Calendar and passed the bill, amended with the text of S. 936 as passed by the Senate. The Senate insisted on its amendment to H.R. 1119, requested a conference with the House, and appointed conferees.

On July 25, 1997, the House disagreed to the Senate amendment to H.R. 1119, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The House, on July 25, 1997, also agreed by a roll call vote of 414 yeas to 0 nays to a motion to instruct the conferees and, by a roll call vote of 409 yeas to 1 nay, agreed to a motion to close portions of the conference.

On September 5, 1997, the House agreed to a second motion to instruct the conferees by a roll call vote of 261 yeas to 150 nays. The conference report on H.R. 1119 was filed in the House on October 23, 1997 (H. Rpt. 105-340).

On October 23, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 1119. The rule was filed in the House as H. Res. 278. On October 28, 1997, the House passed H. Res. 278 by a roll call vote of 353 yeas to 59 nays.

The House agreed to the conference report by a roll call vote of 286 yeas to 123 nays on October 28, 1997. The Senate agreed to the conference report by a roll call vote of 90 yeas to 10 nays on November 6, 1997.

On November 6, 1997, the Senate also agreed to S. Con. Res. 64, a resolution to provide for corrections in the enrollment of H.R. 1119, pursuant to a unanimous consent request agreed to on October 31, 1997. S. Con. Res. 64 was received in the House on November 6, 1997, and held at the desk. No further action was taken on S. Con. Res. 64.

H.R. 1119 was presented to the President on November 6, 1997. The President signed H.R. 1119 into law on November 18, 1997 (Public Law 105-85).

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Public Law 105-261 (H.R. 3616, S. 2057, S. 2060)

(Hazardous Materials Related Provisions)

To authorize appropriations for fiscal year 1999 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 105-261 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including one provision dealing with hazardous materials related issues. Members of the Committee on Commerce were appointed as conferees on this provision and participated in the conference negotiations which led to the agreements contained in H.R. 3636.

Section 324 of the Public Law requires that the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of State, submit a report to Congress concerning the status of foreign-manufactured polychlorinated biphenyls (PCBs) at foreign U.S. military installations. Provisions in the Senate-passed bill would have permitted the Department of Defense to import such PCBs for disposal or treatment. The Senate-passed provisions would have represented a significant change to current law, particularly the Toxic Substances Control Act. Conferees from the Committee on Commerce were responsible for changing the Senate-passed language into a study. The study, due on March 1, 1999, will provide information on whether any changes to existing environmental laws are necessary or appropriate.

Legslative History

H.R. 3616 was introduced in the House by Representatives Spence and Skelton on April 1, 1998, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 3616 on May 6, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 12, 1998, the Committee on National Security reported H.R. 3616 to the House (H. Rpt. 105-532).

The Committee on Rules met on May 14, 1998, and granted a rule providing for the consideration of H.R. 3616. The rule was filed in the House as H. Res. 435. On May 19, 1998, the House passed H. Res. 435 by a voice vote. On May 19, 1998, the Committee on Rules met and granted a second rule providing for the further consideration of H.R. 3616. The rule was filed in the House as H. Res. 441. On May 20, 1998, the House passed H. Res. 441 by a roll call vote of 304 yeas to 108 nays.

The House considered H.R. 3616 on May 19, May 20, and May 21, 1998; and on May 21, 1998, passed the bill, amended, by a roll call vote of 357 yeas to 60 nays. On May 22, 1998, H.R. 3616 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2060 and placed on the Senate Calendar (S. Rpt. 105-189). On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2057 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 2057 on May 13, May 14, June 18, June 19, June 22, June 23, June 24, and June 25, 1998. On June 25, 1998, the Senate passed S. 2057, amended, by a roll call vote of 88 yeas to 4 nays. S. 2057 was received in the House on July 20, 1998, and held at the desk. On October 21, 1998, S. 2057 was referred to the House Committee on National Security. No further action was taken on S. 2057 in the 105th Congress.

On June 25, 1998, the Senate, by unanimous consent, took H.R. 3616 from the Senate Calendar and passed the bill, amended with the text of S. 2057 as passed by the Senate. The Senate insisted on its amendment to H.R. 3616, requested a conference with the House, and appointed conferees.

On July 22, 1998, the House disagreed to the Senate amendment to H.R. 3616, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On July 22, and July 23, 1998, the House considered a motion to instruct the conferees. On July 23, 1998, the House agreed to a motion to instruct the conferees by a roll call vote of 424 yeas to 0 nays, with 1 voting present. The House also agreed to a motion to close portions of the conference by a roll call vote of 412 yeas to 5 nays.

The conference report on H.R. 3616 was filed in the House on September 22, 1998 (H. Rpt. 105-736).

The Committee on Rules met on September 23, 1998, and granted a rule providing for the consideration of the conference report

on H.R. 3616. The rule was filed in the House as H. Res. 549. On September 24, 1998, the House passed H. Res. 549 by a voice vote.

The House agreed to the conference report by a roll call vote of 373 yeas to 50 nays on September 24, 1998. The Senate considered the conference report on September 30, and October 1, 1998; and on October 1, 1998, the Senate agreed to the conference report by a roll call vote of 96 yeas to 2 nays.

H.R. 3616 was presented to the President on October 6, 1998. The President signed H.R. 3616 into law on October 17, 1998 (Public Law 105-261).

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Public Law 105-276 (H.R. 4194, S. 2168)

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, 1999, and for other purposes.

Summary

Public Law 105-276 provides appropriations for Fiscal Year 1999 for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices. Additionally, the Act contains a number of provisions falling with the jurisdiction of the Committee on Commerce, including provisions which amend the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) with respect to sureties. The provisions expand the time periods in which sureties are afforded certain protections from CERCLA liabilities. Similar provisions were contained in comprehensive Superfund reform legislation introduced by Members of the Committee on Commerce.

Legslative History

H.R. 4194 was introduced in the House on July 8, 1998, by Mr. Lewis, as an original measure, and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 105-610). The House considered H.R. 4194 on July 17, July 23, and July 29, 1998. On July 29, 1998, the House passed H.R. 4194, amended, by a roll call vote of 259 yeas to 164 nays.

On June 12, 1998, the Senate Committee on Appropriations reported S. 2168, a companion bill, to the Senate (S. Rpt. 105-216). The Senate considered S. 2168 on July 6, July 7, July 16, and July 17, 1998. On July 17, 1998, the Senate passed S. 2168, amended, by a voice vote.

On July 30, 1998, H.R. 4194 was received in the Senate. Pursuant to a unanimous consent agreement reached on July 16, 1998, the Senate proceeded to the immediate consideration of H.R. 4194; passed the bill amended with the text of S. 2168, as passed by the Senate on July 17, 1998; insisted on the Senate amendment to H.R. 4194; requested a conference with the House; and appointed con-

ferees. Passage of S. 2168 was then vitiated and the bill was indefinitely postponed.

On September 15, 1998, the House disagreed to the Senate amendment to H.R. 4194, agreed to a conference with the Senate, and appointed conferees. The House, on September 15, 1998, also agreed by a roll call vote of 405 yeas to 0 nays to a motion to instruct the conferees. The conference report on H.R. 4194 was filed in the House on October 5, 1998 (H. Rpt. 105-769). On October 6, 1998, the House agreed to the conference report on H.R. 4194 by a roll call vote of 409 yeas to 14 nays. The Senate agreed to the conference report on H.R. 4194 on October 8, 1998, by a roll call vote of 96 yeas to 1 nay.

On October 10, 1998, H.R. 4194 was presented to the President. On October 21, 1998, the President signed H.R. 4194 into law (Public Law 105-276).

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

(Public Law 105-353 (S. 1260, H.R. 1689)

Summary

The Securities Litigation Uniform Standards Act of 1998 amends the Securities Act of 1933 and the Securities and Exchange Act of 1934 to limit the conduct of securities class action under State law.

Consistent with the determination that Congress made in the National Securities Markets Improvement Act (NSMIA) (Public Law 104-290), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b)(1) of the Securities Act of 1933 which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons; actions brought on behalf of one or more unnamed parties; and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated; (2) actions brought by States and political subdivisions and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

The legislation also provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Additionally, the bill authorizes funding for the Securities and Exchange Commission for Fiscal Year 1999 at the level of $351.28 million and includes limitations on funding levels for certain miscellaneous expenses. Finally, the bill makes a number of clerical and technical amendments to various securities laws.

Legslative History

H.R. 1689 was introduced in the House on May 21, 1997, by Mr. White and 24 cosponsors. The bill was referred solely to the Committee on Commerce.

S. 1260, a companion bill, was introduced in the Senate on October 7, 1997, by Mr. Gramm and twelve cosponsors and was referred to the Senate Committee on Banking, Housing, and Urban Affairs. On May 4, 1998, the Senate Committee on Banking House and Urban Affairs reported S. 1260 to the Senate (S. Rpt. 105-182). On May 13, 1998, the Senate considered S. 1260 and passed the bill, amended, by a roll call vote of 79 yeas to 21 nays. S. 1260 was received in the House on May 14, 1998, and held at the desk.

On May 19, 1998, the Subcommittee on Finance and Hazardous Materials held a legislative hearing on H.R. 1689. The Subcommittee received testimony from Federal and State regulators, academic experts, a representative of a consumer group, and attorneys representing plaintiffs and defendants.

On June 10, 1998, the Subcommittee on Finance and Hazardous Materials met in open markup session and approved H.R. 1689 for Full Committee consideration, amended, by a roll call vote of 21 yeas to 4 nays. On June 24, 1998, the Full Committee met in open markup session and ordered H.R. 1689 reported to the House, amended, by a voice vote, a quorum being present. As amended by the Full Committee and ordered reported to the House, two new titles were added to H.R. 1689. Title II authorized funding for the Securities and Exchange Commission for Fiscal Year 1999 at the level of $351.28 million and included the limitations placed on funding levels for certain miscellaneous expenses contained in H.R. 1262 as passed by the House. Title III made a number of clerical and technical amendments to various securities laws. The Committee on Commerce reported H.R. 1689 to the House on July 21, 1998 (H. Rpt. 105-640).

The House considered H.R. 1689 under Suspension of the Rules on July 21, and July 22, 1998. On July 22, 1998, the House passed H.R. 1689, amended, by a roll call vote of 340 yeas to 83 nays, with 1 voting present. On July 22, 1998, by unanimous consent, the House took S. 1260 from the desk and passed the bill after striking all after the enacting clause and inserting the text of H.R. 1689, as passed by the House. H.R. 1689 was then laid on the table.

On July 29, 1998, the Senate disagreed to the House amendment, requested a conference with the House, and appointed conferees. On September 16, 1998, the House insisted on its amendment, agreed to a conference with the Senate, and appointed conferees. The conference report on S. 1260 was filed in the House on October 9, 1998 (H. Rpt. 105-803). On October 13, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of the conference report and agreed to the conference report. On October 13, 1998, the House considered the conference report under Suspension of the Rules, and agreed to the conference report by a roll call vote of 319 yeas to 82 nays.

S. 1260 was presented to the President on October 22, 1998. The President signed S. 1260 into law on November 3, 1998 (Public Law 105-353).

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

Public Law 105-366 (S. 2375, H.R. 4353)

To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and other purposes.

Summary

The International Anti-Bribery and Fair Competition Act of 1998 amends the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 (FCPA) to improve the competitiveness of American business and promote foreign commerce. It accomplishes this by including implementing language for the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Convention). The bill also includes reporting requirements to monitor the implementation and enforcement of other nations' commitments under the OECD Convention. It also includes a section to promote the reduction of privileges and immunities for international organizations providing commercial communications services (*e.g.*, INTELSAT and Inmarsat). The legislation's overall objective is to level the playing field for business worldwide by seeking to reduce foreign bribery generally as well as special privileges and immunities from law in the satellite industry.

The legislation contains a number of changes to the FCPA to implement the OECD Convention which include the following: first, the FCPA criminalized payments made to influence any decision of a foreign official to obtain business. S. 2375 amends the FCPA prohibitions to include payments made to secure "any improper advantage." Second, the FCPA covered only "issuers" and "domestic concerns." S. 2375 amends the FCPA to cover acts by foreign natural and legal persons (*i.e.,* corporations) committed within the territory of the United States. Third, the legislation amends the FCPA's definition of "foreign public official" to include officials of public international organizations. Fourth, the legislation amends the FCPA to provide for jurisdiction over the acts of U.S. businesses and nationals outside the United States. Fifth, the legislation amends the FCPA's penalty sections relating to issuers and domestic concerns so that penalties for non-U.S. citizens are equivalent to those for U.S. citizens. Prior to enactment of S. 2375, under the FCPA, non-U.S. citizen employees and agents were subject only to civil, rather than criminal, penalties. S. 2375 eliminates this restriction and subjects all employees or agents of U.S. businesses to both civil and criminal penalties.

The legislation also requires the Secretary of Commerce to report to the Congress on other nations' progress in implementing the OECD Convention and other matters. It contains a provision dealing with two international public organizations covered by the FCPA. This provision states that the international organizations providing commercial communications services (INTELSAT and Inmarsat, the intergovernmental satellite organizations) will not be provided immunity from suit or legal process in connection with

such organization's capacity as a provider of commercial communications services, directly or indirectly, except as required by U.S. international obligations. It also directs the President, in a manner consistent with international agreements, to take all appropriate actions necessary to eliminate or reduce substantially any remaining privileges and immunities of such organizations.

Legslative History

On June 25, 1998, the Senate Committee on Banking, Housing and Urban Affairs ordered reported to the Senate an original bill, entitled the International Anti-Bribery Act, which contained the Senate's version of implementing language for the OECD Convention. On July 31, 1998, the Senate Committee on Banking, Housing and Urban Affairs reported an original measure to the Senate, which was introduced in the Senate by Mr. D'Amato as S. 2375 and placed on the Senate Calendar (S. Rpt. 105-277). On July 31, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 2375 and passed the bill without amendment. S. 2375 was received in the House on August 3, 1998, and held at the desk.

H.R. 4353, a companion bill, was introduced in the House on July 30, 1998, by Representatives Bliley and Oxley. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Finance and Hazardous Materials held a legislative hearing on H.R. 4353 on September 10, 1998. Testimony was received from a representative of the Administration and a representative of the Securities and Exchange Commission. On September 16, 1998, the Subcommittee on Finance and Hazardous Materials met in open markup session and approved H.R. 4353, for Full Committee consideration, amended, by a voice vote. On September 24, 1998, the Full Committee met in open markup session and ordered H.R. 4353 reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 4353 to the House on October 8, 1998 (H. Rpt. 105-802).

The House considered H.R. 4353 under Suspension of the Rules on October 9, 1998, and passed the bill, amended, by a voice vote. On October 9, 1998, by unanimous consent, the House took S. 2375 from the desk and passed the bill after striking all after the enacting clause and inserting the text of H.R. 4353, as passed by the House. The House also amended the title of the Senate bill. H.R. 4353 was then laid on the table.

S. 2375 was returned to the Senate on October 10, 1998. On October 14, 1998, by unanimous consent, the Senate concurred in the House amendments to S. 2375 with a further amendment. On October 20, 1998, by unanimous consent, the House disagreed to Senate amendments numbered 2 through 6 to the House amendments to S. 2375 and concurred in Senate amendment numbered 1 with an amendment. On October 21, 1998, by unanimous consent, the Senate receded from its amendments numbered 2 through 6 to the House amendments to S. 2375 and concurred in the House amendment to the Senate amendment numbered 1, clearing the measure for the President.

S. 2375 was presented to the President on November 2, 1998. The President signed S. 2375 into law on November 10, 1998 (Public Law 105-366).

LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1997

(H.R. 688, S. 555)

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. 688 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.

Under H.R. 688, 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.

Legslative History

On February 11, 1997, H.R. 688 was introduced in the House by Mr. Dan Schaefer and forty cosponsors. The bill was referred to the Committee on Commerce, and in addition, to the Committee on Ways and Means.

The Subcommittee on Finance and Hazardous Materials held a legislative hearing on H.R. 688 on March 20, 1997. The Subcommittee heard testimony from the representatives of the Environmental Protection Agency, State governments, and industry. Immediately following the hearing on March 20, 1997, the Subcommittee on Finance and Hazardous Materials met in open markup session to consider H.R. 688 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. 688 on April 16, 1997, and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 688 to the House on April 17, 1997 (H. Rpt. 105-58, Part 1). On April 17, 1997, referral of the bill to the Committee on Ways and Means was extended for a period ending not later than April 17, 1997. On April 17, 1997, the

Committee on Ways and Means was discharged from further consideration of H.R. 688.

The House considered H.R. 688 under Suspension of the Rules on April 23, 1997, and passed the bill, amended, by a voice vote.

H.R. 688 was received in the Senate on April 24, 1997, read twice, and referred to the Senate Committee on Environment and Public Works. No further action was taken on H.R. 688 in the Senate in the 105th Congress.

S. 555, a companion bill, was introduced in the Senate on April 10, 1997, by Mr. Allard and referred to the Senate Committee on Environment and Public Works. On September 23, 1998, the Senate Committee on Environment and Public Works ordered S. 555, reported to the Senate, amended, by a voice vote. The Senate Committee on Environment and Public Works reported S. 555 to the Senate on October 1, 1998 (S. Rpt. 105-360). No further action was taken on S. 555 in the Senate in the 105th Congress.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 1997

(H.R. 1262)

To authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes.

Summary

H.R. 1262 authorizes funding for the Securities and Exchange Commission for Fiscal Years 1998 and 1999 at the following levels: $320 million for Fiscal Year 1998 and $342.7 million for Fiscal Year 1999.

Legslative History

On March 6, 1997, the Subcommittee on Finance and Hazardous Materials held a hearing on reauthorization of the Securities and Exchange Commission. Testimony was received from the Honorable Arthur Levitt, Chairman of the Securities and Exchange Commission, and Commissioner Steven M.H. Wallman, Commissioner Isaac Hunt, and Commissioner Norman Johnson.

H.R. 1262 was introduced in the House on April 9, 1997, by Mr. Oxley and four cosponsors. The bill was referred solely to the Committee on Commerce.

On May 21, 1997, the Subcommittee on Finance and Hazardous Materials met in open markup session to consider H.R. 1262 and approved the bill for Full Committee consideration, without amendment, by a voice vote. On July 23, 1997, the Full Committee met in open markup session and ordered H.R. 1262 reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1262 to the House on September 26, 1997 (H. Rpt. 105-274).

The House considered H.R. 1262 under Suspension of the Rules on September 29, and October 1, 1997. On October 1, 1997, the House failed to suspend the Rules and pass H.R. 1262 by a roll call vote of 230 yeas to 170 nays. On November 13, 1997, by unanimous consent, the House adopted a motion to suspend the Rules and pass H.R. 1262 in the form considered by the House on September 29, 1997.

H.R. 1262 was received in the Senate on January 27, 1998, read twice, and referred to the Senate Committee on Banking, Housing, and Urban Affairs. No further action was taken on H.R. 1262 in the 105th Congress. However, legislative language reauthorizing the Securities and Exchange Commission for Fiscal Year 1999 and some of the provisions of H.R. 1262 were included in Title II of H.R. 1689 as passed by the House and subsequently included in S. 1260, and enacted into law as Public Law 105-353. For the legislative history of H.R. 1689 and S. 1260, see the discussion of the Securities Litigation Uniform Standards Act of 1998 in this section.

FINANCIAL SERVICES ACT OF 1998

(H.R. 10, H. Res. 403, H. Res. 428)

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

Summary

The purpose of H.R. 10, the Financial Services Act of 1998 (FSA), is to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes. The primary objective of allowing such affiliations is to enhance consumer choice in the financial services marketplace, eliminate anti-competitive regulatory disparities among financial services providers, and increase competition among providers of financial services. This legislation seeks to help participants in the financial services marketplace to realize the cost savings, efficiency, and other benefits resulting from increased competition. The FSA is also designed to improve the international competitiveness of U.S. companies, which may have been constrained by the barriers to affiliation that exist pursuant to certain sections of the Banking Act of 1933, commonly referred to as the Glass-Steagall Act. (Sections 16, 20, 21, and 32 of the Banking Act of 1933 are referred to as the Glass-Steagall Act.)

The FSA provides for a number of prudential safeguards designed to protect investors, avoid risk to the Federal deposit insurance funds, protect the safety and soundness of insured depository institutions and the Federal payments system, and protect consumers. The most significant provisions of the legislation are as follows:

Title I

Title I repeals the anti-affiliation provision of the Glass-Steagall Act (Section 20 and Section 32 of the Banking Act of 1933). It also sets up a new structure, different from that in the Bank Holding Company Act of 1956, permitting affiliation among securities firms, insurance companies, and banks. The Federal Reserve will be the primary umbrella regulator of the new holding company structure.

Title II

Title II defines the activities that will be regulated by the different Federal and State regulatory agencies. Bank exemptions from regulation under the definition of broker and dealer are eliminated, but limited exceptions are provided for banks in cases where investor protection concerns are minimal (relative to trust and fiduciary activities and employee and shareholder benefit plans). Finally, Title II permits the Securities and Exchange Commission (SEC) to determine if new banking products meet the definition of a security and to regulate as such if the definition is met.

Title III

Title III provides for the regulation of insurance. State functional insurance regulation is preserved for insurance sales and underwriting, subject to the "significant interference" standard set forth by the Supreme Court in the Barnett cases. The legislation sets forth a definition of insurance relative to allowable bank underwriting and removes the restrictions limiting bank insurance agencies to towns of 5,000. A uniform licensing system is created for insurance brokerage, and a new standard for redomestication and demutualization is provided for States which do not have comparative laws.

Title IV

Title IV prohibits future unitary thrift holding companies, while grandfathering current thrifts and thrift charters and their activities and powers.

The legislation does not permit any Federally insured depository to affiliate with commercial entities.

Legslative History

H.R. 10 was introduced in the House on January 7, 1997, by Mr. Leach and three cosponsors. 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 the Subcommittee on Finance and Hazardous Materials.

On June 20, 1997, the Committee on Banking and Financial Services considered H.R. 10, and ordered the bill reported to the House, amended, by a roll call vote of 28 yeas to 26 nays. The Committee on Banking and Financial Services reported H.R. 10 to the House on July 3, 1997 (H. Rpt. 105-164, Part 1). On July 3, 1997, the referral of H.R. 10 to the Committee on Commerce was extended for a period ending not later than September 15, 1997.

The Subcommittee on Finance and Hazardous Materials held three legislative hearings on H.R. 10 on July 17, July 25, and July 30, 1997. Witnesses giving testimony included: Federal banking, Federal trade, and Federal securities regulators; State insurance, State securities, and State banking regulators; securities and investment firm representatives; insurance company representatives; representatives from State charted banks, nationally charted

banks, community banks, and thrifts; and representatives of consumer groups.

On September 5, 1997, the referral of H.R. 10 to the Committee on Commerce was extended for a period ending not later than September 30, 1997. On September 17, 1997, the Committee on Banking and Financial Services filed a supplemental report on H.R. 10 in the House (H. Rpt. 105-164, Part 2). On September 30, 1997, the referral of H.R. 10 to the Committee on Commerce was extended for a period ending not later than October 31, 1997.

The Subcommittee on Finance and Hazardous Materials met in open markup session on October 24, 1997, and approved H.R. 10 for Full Committee consideration, amended, by a roll call vote of 23 yeas to 2 nays. On October 30, the Full Committee met in open markup session and ordered H.R. 10 reported to the House, amended, by a roll call vote of 33 yeas to 11 nays, with 2 voting present. On October 30, 1997, the referral of H.R. 10 to the Committee on Commerce was extended for a period ending not later than November 3, 1997. The Committee on Commerce reported H.R. 10 to the House on November 3, 1997 (H. Rpt. 105-164, Part 3). On January 28, 1998, the Committee on Commerce filed a supplemental report on H.R. 10 in the House (H. Rpt. 105-164, Part 4).

On March 31, 1998 (legislative day of March 30, 1998), the Rules Committee met and granted a rule providing for the consideration of H.R. 10 (H. Res. 403). On March 31, 1998, the House began consideration of H. Res. 403, but did not complete action thereon. Subsequently the resolution was withdrawn from further consideration. On April 1, 1998, by unanimous consent, H. Res. 403 was laid on the table.

On May 12, 1998, the Rules Committee met and granted a second rule providing for the consideration of H.R. 10 (H. Res. 428). On May 13, 1998, the House passed H. Res. 428 by a roll call vote of 311 yeas to 105 nays. The House then considered H.R. 10 on May 13, 1998, and passed the bill, amended, by a roll call vote of 214 yeas to 213 nays.

H.R. 10 was received in the Senate on May 14, 1998, and referred to the Senate Committee on Banking, Housing, and Urban Affairs. On September 11, 1998, the Senate Committee on Banking, Housing, and Urban Affairs considered H.R. 10 and ordered the bill reported to the Senate, amended. On September 18, 1998, the Senate Committee on Banking, Housing, and Urban Affairs reported H.R. 10 to the Senate (S. Rpt. 105-336). After invoking cloture on October 5, 1998, and agreeing, on October 7, 1998, to a motion to proceed to the consideration of H.R. 10, the Senate considered H.R. 10 on October 8, and October 9, 1998, but did not complete action thereon. No further action was taken by the Senate on H.R. 10 in the 105th Congress.

COLLECTIONS OF INFORMATION ANTIPIRACY ACT

(H.R. 2652, H.R. 2281)

To amend title 17, United States Code, to prevent the misappropriation of collections of information.

Summary

H.R. 2652 provides new protections for collections of information against misappropriation. The bill prohibits the misappropriation of commercially valuable collections of information by those who pirate data collected by others and use it in a way that causes market injury to the producer of the original collection.

The bill extends its protections to information collected by stock exchanges and contract markets, notwithstanding an exclusion in the bill that prevented the bill from applying to information gathered, organized, or maintained by or for a government entity.

However, the bill explicitly preserves the authority currently held by the Securities and Exchange Commission (SEC) to regulate the gathering and dissemination of stock market information by stock markets, including the SEC's authority over the fee structure used by stock markets in disseminating that information to the public. H.R. 2652 provides a similar preservation of authority for the Commodity Futures Trading Commission (CFTC) over the gathering and dissemination of information about contract markets under its jurisdiction.

Accordingly, the bill preserves the ability of the SEC and the CFTC to alter the mechanism or payment structure by which market data is disseminated to the public.

Legslative History

H.R. 2652 was introduced in the House by Mr. Coble on October 9, 1997. The bill was referred solely to the Committee on the Judiciary.

On March 24, 1998, the Committee on the Judiciary ordered H.R. 2652 reported to the House, amended, by a voice vote. The Committee on the Judiciary reported H.R. 2652 to the House on May 12, 1998 (H. Rpt. 105-525).

On May 19, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on the Judiciary indicating that Section 1204(a) and Section 1205(f) 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 Judiciary 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. 2652, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

The House considered H.R. 2652 under Suspension of the Rules on May 19, 1998, and passed the bill by a voice vote. H.R. 2652 was received in the Senate on May 20, 1998, read twice, and referred to the Senate Committee on the Judiciary. No further action was taken on H.R. 2652 in the 105th Congress by the Senate.

On August 4, 1998, during the House consideration of H.R. 2281, the Digital Millennium Copyright Act of 1998, under Suspension of the Rules, a Manager's Amendment was offered which added a new Title V to the bill which included provisions of H.R. 2652 as passed by the House. H.R. 2281 subsequently passed the House, as amended, by a voice vote. During the House-Senate conference on H.R. 2281, the conferees deleted Title V from the bill. For the legislative history of H.R. 2281, see the discussion of the Digital Millen-

nium Copyright Act of 1998 under the Telecommunications, Trade, and Consumer Protection Subcommittee section.

FINANCIAL CONTRACT NETTING IMPROVEMENT ACT OF 1998

(H.R. 4393)

To revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes.

Summary

H.R. 4393, the Financial Contract Netting Improvement Act of 1998, amends the Bankruptcy Code, banking statutes, and securities laws to clarify the treatment of financial contracts upon the insolvency of one of the parties to the transaction. In the event of the bankruptcy of a party to a swap or other financial contract, parties can enforce their rights to terminate the contract or to offset, or "net", their various contractual obligations.

Legslative History

H.R. 4393 was introduced in the House by Representatives Leach and LaFalce on August 4, 1998. The bill was referred to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce and the Committee on the Judiciary.

On August 5, 1998, the Committee on Banking and Financial Services considered H.R. 4393 and ordered the bill reported to the House by a voice vote. On August 21, 1998, the Committee on Banking and Financial Services reported H.R. 4393 to the House (H. Rpt. 105-688). On August 21, 1998, the referral of the bill to the Committee on the Judiciary was extended for a period ending not later than September 25, 1998.

In the interest of allowing the legislation to move forward, the Chairman of the Committee on Commerce sent a letter to the Speaker of the House agreeing to have the Commerce Committee discharged from further consideration of H.R. 4393. The letter further stated that, while the Committee on Commerce had no substantive problems with the legislation, the Committee on Commerce was not waiving its jurisdictional interest in the H.R. 4393 or any similar legislation. Subsequently, on August 21, 1998, the Committee on Commerce was discharged from further consideration of H.R. 4393.

On September 25, 1998, the Committee on the Judiciary also was discharged from further consideration of H.R. 4393. No further action was taken on this legislation during the 105th Congress.

FINANCIAL INFORMATION PRIVACY ACT OF 1998

(H.R. 4321)

To protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

Summary

The purpose of H.R. 4321 is to protect consumers and financial institutions by preventing personal confidential information from being obtained from financial institutions under false pretenses. H.R. 4321 achieves this goal by increasing the penalties for fraudulent information gathering, enhancing the ability of Federal and State enforcement agencies to prosecute such fraudulent activities, and expanding the ability of injured consumers and financial institutions to obtain restitution for their losses.

As reported by the Committee on Commerce, H.R. 4321 makes it a violation of Federal law to attempt to obtain, or cause to be disclosed, customer information of a financial institution by making fraudulent representations or by using documents that are forged or improperly obtained or that contain false statements. H.R. 4321 also makes it a violation to request that another person obtain a consumer's confidential financial information knowing that the attempt to obtain such information would be done in a fraudulent manner. These prohibitions are intended to prevent companies and individuals from deceiving financial institutions into providing confidential customer information.

Legslative History

H.R. 4321 was introduced in the House on July 23, 1998, by Mr. Leach and five cosponsors. The bill was referred solely to the Committee on Banking and Financial Services.

On August 5, 1998, the Committee on Banking and Financial Services considered H.R. 4321 and ordered the bill reported to the House, amended, by a voice vote. On August 21, 1998, the Committee on Banking and Financial Services reported H.R. 4321 to the House (H. Rpt. 105-701, Part 1). On August 21, 1998, H.R. 4321 was referred to the Committee on the Judiciary, sequentially, for a period ending not later than September 25, 1998. On September 14, 1998, H.R. 4321 was referred to the Committee on Commerce, sequentially, for a period ending not later than September 25, 1998.

Because of the severe time constraints of the Committee on Commerce's sequential referral, there were no hearings held on this legislation by the Committee on Commerce or its subcommittees. On September 24, 1998, the Full Committee met in an open mark up session to consider H.R. 4321 and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. On September 25, 1998, the Committee on Commerce reported H.R. 4321 to the House (H. Rpt. 105-701, Part 2). On September 25, 1998, the Committee on the Judiciary was discharged from further consideration of H.R. 4321.

No further action occurred on H.R. 4321 in the 105th Congress.

COMMON CENTS STOCK PRICING ACT OF 1997

(H.R. 1053)

To amend the Securities Exchange Act of 1934 to eliminate legal impediments to quotation in decimals for securities transactions in

order to protect investors and to promote efficiency, competition, and capital formation.

Summary

H.R. 1053 directs the Securities and Exchange Commission (SEC) to use its authority to direct U.S. equity exchanges to eliminate the existing government-sanctioned system of mandatory trading in fractions and replace it with trading in decimals. The bill leaves questions such as the timing, implementation and applicable spread to be determined by the SEC in the rulemaking process. This process includes the release of a draft rule and opportunity for affected entities to participate through the comment process.

Legslative History

H.R. 1053 was introduced in the House by Mr. Oxley and eight cosponsors on March 13, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Finance and Hazardous Materials held two hearings on the legislation on April 10, 1997, and April 16, 1997. Twenty-seven witnesses testified at the hearings. Witnesses included representatives of American and Canadian stock exchanges, mutual funds, State and municipal pensions, State securities regulators, an SEC Commissioner, industry participants, representatives of the trade unions, and academic experts.

On May 21, 1997, the Subcommittee on Finance and Hazardous Materials met in open markup session and approved H.R. 1053 for Full Committee consideration, without amendment, by a voice vote.

Following the Subcommittee's approval of H.R. 1053, the New York Stock Exchange and NASDAQ publicly announced their intention to move voluntarily to a decimal-based pricing system for stocks. As a result of the voluntary action to switch to a decimal-based pricing system, no further legislative action was taken on H.R. 1053 by the Committee on Commerce in the 105th Congress. However, the Subcommittee on Finance and Hazardous Materials did hold an oversight hearing on the industry's implementation of decimal pricing on May 8, 1998. For further information, see the discussion of Industry Implementation of Decimal Pricing under Oversight or Investigative Activities in this section.

SUPERFUND REFORM ACT OF 1997

(H.R. 3000)

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 five years. The bill also makes a number of significant changes in the Superfund program for cleanups and restorations, which are intended by its sponsors 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.

Remedy Selection and Community Participation

Title I of H.R. 3000 establishes risk assessment principles; 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.

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.

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 bona fide prospective purchasers and innocent landowners; and addresses Federal enforcement at sites cleaned up under State programs.

Natural Resource Damages

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

State Role

This title authorizes the Environmental Protection Agency (EPA) to delegate various Superfund authorities to the States for actions at facilities listed on the National Priorities List (NPL); alters the provisions for State cost share; and requires a Governor's concurrence with respect to new NPL listings.

Federal Facilities

This title amends provisions with respect to the role of States at Federal facilities.

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).

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.

Legslative History

The Subcommittee on Finance and Hazardous Materials held four days of oversight hearings related to the reauthorization of the Superfund program addressing major concerns with the program.

The Subcommittee on Finance and Hazardous Materials held two oversight hearings on Federal barriers to the cleanup of contaminated sites on February 14, 1997, in Columbus, Ohio, and on March 7, 1997, in New York City, New York. Testimony was received from representatives of the Environmental Protection Agency, as well as representatives of the States of Ohio and New York, local officials from Columbus, Ohio, and New York City, and representatives of community groups, businesses, and the environmental community. The Subcommittee on Finance and Hazardous Materials held an oversight hearing on the operation of the Superfund program on September 4, 1997, receiving testimony from 23 Members of Congress, and receiving material for the record from an additional nine Members of Congress. The Subcommittee on Finance and Hazardous Materials held an oversight hearing on the Status of the Superfund program on February 4, 1998. Testimony was received from representatives of the Environmental Protection Agency and the General Accounting Office, as well as other witnesses.

On November 9, 1997, Mr. Oxley and thirty-four cosponsors introduced H.R. 3000, the Superfund Reform Act of 1997. The bill was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure and the Committee on Ways and Means. Within the Committee on Commerce, the bill was referred to the Subcommittee on Finance and Hazardous Materials.

The Subcommittee on Finance and Hazardous Materials held two legislative hearings on H.R. 3000 on March 5, 1998, and March 26, 1998, receiving testimony from representatives of the Administration, States, local governments, citizens groups, industry, small businesses, the environmental community, and others.

Despite bipartisan negotiations with the Administration during the 105th Congress, no agreement was reached and no further action was taken on H.R. 3000.

AUTO CHOICE REFORM ACT OF 1997

(H.R. 2021)

To provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Summary

H.R. 2021 allows consumers to choose between their current coverage options in their States and a new "Personal Protection Insurance" (PPI) Federal option. A consumer who chooses PPI would not be compensated for non-economic losses ("pain and suffering" damages). A consumer who chooses to keep his traditional auto insurance coverage could still sue for non-economic damages as allowed under current law, but only if the accident is with another non-PPI driver. If a PPI-insured driver hits a traditional-coverage driver, then the traditional-coverage driver could still recover non-economic damages, but only from his or her own insurer. Fault based recovery is retained in drunk driving and intentional misconduct cases, and States are allowed to opt-out of the new regime, either by statute or by determining that auto personal injury premiums would not decline by at least 30 percent for PPI customers.

Legslative History

On June 24, 1997, Mr. Armey and four cosponsors introduced H.R. 2021, the Auto Choice Reform Act of 1997, in the House. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Finance and Hazardous Materials held a legislative hearing on H.R. 2021 on May 20, 1998. Testimony was received from two of the bill's sponsors, Representatives Armey and Moran, as well as from a law professor, a prosecutor, a convicted automobile insurance scam artist, and various consumer experts on no-fault automobile insurance.

No further action was taken on H.R. 2021 in the 105th Congress.

OVERSIGHT OR INVESTIGATIVE ACTIVITIES

FEDERAL BARRIERS TO COMMON SENSE CLEANUPS

The Subcommittee on Finance and Hazardous Materials held two field hearings on Federal Barriers to Common Sense Cleanups. These hearings provided Members of the Subcommittee information regarding the under-used industrial and commercial facilities (brownfields) where expansion or redevelopment is complicated by real or perceived environmental contamination.

The first Subcommittee field hearing was held on February 14, 1997, in Columbus, Ohio. Witnesses included representatives of the Ohio Environmental Protection Agency, the Mayor of the City of Columbus, industry representatives, and academic experts.

On March 7, 1997, the Subcommittee on Finance and Hazardous Materials held a second field hearing on Federal Barriers to Common Sense Cleanups in New York City, New York. Witnesses included the Mayor of New York City, representatives of the United States Environmental Protection Agency, the N.Y. Department of Environmental Conservation, and the environmental community, and industry representatives.

FINANCIAL SERVICES REFORM

On May 1, May 14, and June 24, 1997, the Subcommittee on Finance and Hazardous Materials held oversight hearings on the financial services industry modernization. The Subcommittee received testimony from former SEC commissioners, former banking regulators, State insurance regulators, academic experts, and representatives of private business interests. The hearings focused on the current regulatory structure for the securities, insurance, and banking industries; the need for modernization; the barriers to increased competition; and the impact of modernization on consumers and taxpayers.

On May 1, 1997, the Subcommittee received testimony that addressed the "two way street"—the ability of financial entities to compete with each other without disparity. The Subcommittee examined the ability of different financial service providers to offer the same services without disparate regulatory treatment. The testimony received focused on the impact of any disparate treatment on competition and on consumer and investor protections.

On May 14, 1997, the Subcommittee on Finance and Hazardous Materials examined the impact of mergers and acquisitions within the financial services industry. Testimony focused on the efficiencies of consolidation and affiliations, competitive disparity and advantages gained by entities able to merge over financial service firms unable or prohibited from certain mergers, and the impact of recent mergers on legislative efforts to modernize the financial services industry.

The Subcommittee received testimony on insurance regulation at the June 24, 1997, hearing. Specifically, the hearing focused on the impact of bank insurance sales regulation on consumer protections and the implications of bank insurance sales powers on competition in the insurance industry. Testimony also addressed issues of uniform State licensing for insurance brokers, State demutualization laws, and State redomestication laws.

OPERATION OF THE SUPERFUND PROGRAM

On September 4, 1997, the Subcommittee on Finance and Hazardous Materials held a hearing on the Operation of the Superfund Program. Twenty-three Members of Congress testified before the Subcommittee on how the Superfund Program is working, or not working, as the case may be, in their Districts. An additional nine Members of Congress submitted material for the record on the operation of the Superfund Program.

IMPLEMENTATION OF THE PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995 (PUBLIC LAW 104-67)

The Subcommittee on Finance and Hazardous Materials held an oversight hearing on October 21, 1997, on the Implementation of the Private Securities Litigation Reform Act (Public Law 104-67). The Subcommittee received testimony from the Chairman of the Securities and Exchange Commission and representatives of a municipal finance association, academics, and private business groups.

Public Law 104-67 was enacted in the 104th Congress on December 22, 1995. The purpose of the hearing was to determine whether or not the law was working as intended by the Congress. Specifically, the hearing focused on the effect the law was having on the number of class action "strike" suits being filed and whether the protections provided by the law were being used. Testimony received by the Subcommittee was universal regarding the lack of use of the safe harbor provided by the Reform Act. Testimony varied on the effectiveness of the law with respect to curbing strike suits. Arguments were made that not enough time had passed to determine the whether State courts were being used to circumvent the Federal law.

For additional information on securities litigation reform, see the discussion of H.R. 1689, the Securities Litigation Uniform Standards Act, under Legislative Activities in this section.

STATUS OF THE SUPERFUND PROGRAM

On February 4, 1998, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on the Status of the Superfund Program. Testimony was received from representatives of the Environmental Protection Agency (EPA) and the General Accounting Office (GAO), as well as outside experts. The hearing focused on the pace of cleanup at National Priorities List (NPL) sites. According to a March 1997 GAO study (*Times to Complete the Assessment and Cleanup of Hazardous Waste Sites,* United States General Accounting Office, March, 1997, GAO/RCED-97-20) and a September 1997 follow-up report, it takes an average of 9.4 years from the time a "non-federal" site (generally, a site not owned or operated by the Federal government) is discovered until the time it is listed on the NPL. The study also determined that the cleanup time for non-Federal projects completed in 1996 was 10.6 years. A witness representing the EPA sharply disagreed with the methodology and conclusions of the GAO. The EPA testified that the agency has cut more than two years off the time it takes to clean up a Superfund site and identified more than 85 sites that were listed on the Superfund NPL in the 1990s where construction was completed in less than five years.

INDUSTRY IMPLEMENTATION OF DECIMAL PRICING

During the First Session of the 105th Congress, the Subcommittee on Finance and Hazardous Materials considered H.R. 1053, the Common Cents Stock Pricing Act of 1997, a bill directing the Securities and Exchange Commission to use its authority to direct U.S. equity exchanges to eliminate the existing government-sanctioned system of mandatory trading in fractions and replace it with trad-

ing in decimals. The Subcommittee held a legislative hearing on the bill, marked it up, and approved H.R. 1053 for Full Committee consideration. After the Subcommittee markup occurred, the New York Stock Exchange and NASDAQ publicly announced their intention to voluntarily move to a decimal-based pricing system for stocks. As a result of the voluntary action to switch to a decimal-based pricing system, no further legislative action was taken on H.R. 1053 by the Committee on Commerce in the 105th Congress. For further information on H.R. 1053, see the discussion of Common Cents Stock Pricing Act of 1997 under Legislative Activities in this section.

Following the announcement by the New York Stock Exchange and NASDAQ, others in the securities industry complained that they were not ready to convert to decimal pricing. The Subcommittee requested the General Accounting Office (GAO) to conduct a study on the progress and readiness of the securities industry to convert to decimal pricing for equities in order to determine what barriers were causing delay to a timely conversion.

On May 8, 1998, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on the implementation of decimal pricing conversion on the U.S. equity exchanges. The hearing focused specifically on the findings of the GAO and representatives of the GAO were the only witnesses. The Subcommittee received testimony that the pending Year 2000 conversions the securities industry is undergoing was cited by industry as the reason for delay of implementation until after the Year 2000 problem is resolved.

The Subcommittee will continue to monitor the schedule for successful implementation of decimal pricing conversion and fully expects the conversion to occur by the middle of the year 2000.

ELECTRONIC COMMERCE INITIATIVE

The Subcommittee on Finance and Hazardous Materials held two hearings as part of the Committee's electronic commerce initiative. On June 4, 1998, the Subcommittee on Finance and Hazardous Materials held a hearing on Electronic Commerce: New Methods for Making Electronic Purchases, which focused on methods of electronic payments. The hearing examined technologies to allow payment to be accepted over the Internet, ensuring security and authenticity in electronic payments and the role of electronic payments in promoting electronic commerce. Additionally, testimony focused on impediments to the development and acceptance of alternative payment systems. Witnesses included the Honorable Roger Ferguson, Jr., Member of the Board of Governors of the Federal Reserve System, and representatives of companies that provide computer software to enable electronic payments and companies that accept electronic payments on-line.

On June 18, 1998, the Subcommittee on Finance and Hazardous Materials held a hearing on Electronic Commerce: Investing On-Line, which focused on the growing on-line securities trading industry. The hearing examined the growth of on-line security trading, its impact on the market structure, and investor protection issues associated with new mediums used to conduct securities transactions. The hearing also included an on-line demonstration of stock trading, the first electronic commerce demonstration to occur

before a Congressional committee. Witnesses included representatives of the brokerage and securities trading industry and industry observers.

The Subcommittee plans work with the Full Committee in the 106th Congress to develop a coordinated effort to determine what actions Congress can take to improve the progress and development of electronic commerce.

ENHANCING RETIREMENT SECURITY THROUGH INDIVIDUAL INVESTMENT CHOICES

The Subcommittee on Finance and Hazardous Materials held an oversight hearing on Enhancing Retirement Security Through Individual Investment Choices on July 24, 1998. Testimony was received from academic experts and representatives of private business groups.

Specifically, the hearing focused on increasing the rate of return of Social Security taxes through private investment vehicles such as mutual funds. The funding problems the current Social Security structure will face in the near future have generated great interest in making changes to the system. Many of the proposals have included various degrees of privatization similar to the models that have been implemented in other countries during the past decade.

The Subcommittee received testimony on the ability of individual investors to make personal investment choices. Arguments were made that the increasing proportion of American workers that invest through IRAs and employee sponsored retirement plans, such as 401(k) plans, is an indication that Americans are able and willing to acquire the knowledge necessary to invest in our capital markets. Other testimony demonstrated the greater historical rate of return of the stock market compared to the lower, and in some cases negative, rate of return for Social Security. Concerns were also raised about the need to ensure adequate consumer protections in the event of any privitization.

Because most privatization models contemplate investing in the capital markets, the Subcommittee plans to closely monitor and, if necessary, assert jurisdiction with respect to legislation that would affect the capital markets or Federal securities regulation.

THE IMPACT AND EFFECTIVENESS OF THE SMALL ORDER EXECUTION SYSTEM

On August 3, 1998, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on The Impact and Effectiveness of the Small Order Execution System (SOES). The hearing focused on how the system impacts market liquidity and addressed the need for any changes to the system. The Subcommittee received testimony from academic experts, market makers, and representatives of SOES firms.

Specifically, testimony addressed whether the ability of investors to get automatic execution of their stock orders, as originally intended, is being fulfilled, or if the current use of the system is an abuse that negatively affects liquidity. SOES is currently utilized primarily by individuals who use their own capital in an attempt

to profit from quick trades. Arguments were made, both pro and con, over the impact on liquidity of these trades.

The Securities and Exchange Commission implemented several rule changes in 1998 to address many of these concerns. The Subcommittee will monitor the impact of the rule changes in the 106th Congress to determine if further action is required.

IMPROVING PRICE COMPETITION FOR MUTUAL FUNDS AND BONDS

On September 29, 1998, the Subcommittee held a hearing on Improving Price Competition for Mutual Funds and Bonds. Specifically, the hearing examined: (1) the ability of investors to assess the costs accurately, and their effect on the rate of return, of mutual funds as an investment; and (2) the ability of investors to get accurate and fair price information for the purchase and sale of bonds. The witnesses represented Federal securities regulators, academia, mutual fund companies, investment advisers, bond traders, municipal bond issuers, and industry trade groups.

The mutual fund industry is a highly regulated industry that assesses fees on investors to cover operational expenses and to make a profit. Fees typically cover expenses such as marketing and advertising, professional management, and transaction fees for trading shares in its portfolio. While the mutual fund industry is capped on the fee level it can charge as a percentage of assets under management, the fee rates run the gamut. The Subcommittee sought to determine whether improved disclosure would increase the competition among fund providers to the benefit of investors. The Subcommittee received testimony that indicates that investor education is the largest barrier to creating a more competitive environment for mutual funds based on fees. Evidence suggests that educated investors do use cost as a determinant in their investment selection process and have migrated to fund companies that offer the lowest fees.

The bond markets are an important means by which private companies and State and local governments can raise money on terms and with interest rates more favorable than those offered by banks. The level of oversight and transparency in the bond market, particularly the corporate and municipal market, is substantially less than that in the U.S. equity markets. In the corporate and municipal market, dealers do not report the prices at which they sell bonds. This lack of "last sale reporting" makes it difficult for investors to determine if they are paying the best price for a bond. It also makes it difficult for them to value their portfolios with precision. The Subcommittee received testimony that indicates progress has been made in the price reporting for government bonds, but trails for the corporate and municipal bond market. Industry participants presented testimony that last sale price reporting is not cost effective or as accurate for current pricing as are yield, term, interest rate, and other economic factors.

The Subcommittee will continue to pursue this issue in the 106th Congress with a goal of increasing price transparency.

HEARINGS HELD

Federal Barriers to Common Sense Cleanups.—Oversight Field Hearing in Columbus, Ohio, on Federal Barriers to Common Sense Cleanups. Hearing held on February 14, 1997. PRINTED, Serial Number 105-6.

The Securities and Exchange Commission Authorization Act of 1997.—Hearing on H.R. —— (an unintroduced bill), the Securities and Exchange Commission Authorization Act of 1997. Hearing held on March 6, 1997. PRINTED, Serial Number 105-12.

Federal Barriers to Common Sense Cleanups.—Oversight Field Hearing in New York City, New York, on Federal Barriers to Common Sense Cleanups. Hearing held on March 7, 1997. PRINTED, Serial Number 105-6.

Leaking Underground Storage Tank Trust Fund Amendments Act of 1997.—Hearing on H.R. 688, the Leaking Underground Storage Tank Trust Fund Amendments Act of 1997. Hearing held on March 20, 1997. PRINTED, Serial Number 105-9.

The Common Cents Stock Pricing Act of 1997.—Hearing on H.R. 1053, the Common Cents Stock Pricing Act of 1997. Hearing held on April 10, 1997. PRINTED, Serial Number 105-18.

The Common Cents Stock Pricing Act of 1997.—Hearing on H.R. 1053, the Common Cents Stock Pricing Act of 1997. Hearing held on April 16, 1997. PRINTED, Serial Number 105-18.

Financial Services Reform.—Oversight Hearing on "A Two Way Street" and Functional Regulation. Hearing held on May 1, 1997. PRINTED, Serial Number 105-34.

Financial Services Reform.—Oversight Hearing on Consolidation in the Brokerage Industry. Hearing held on May 14, 1997. PRINTED, Serial Number 105-34.

Financial Services Reform.—Oversight Hearing on Insurance Regulation. Hearing held on June 24, 1997. PRINTED, Serial Number 105-34.

The Financial Services Competitiveness Act of 1997.—Hearing on H.R. 10, the Financial Services Competitiveness Act of 1997. Hearing held on July 17, 1997. PRINTED, Serial Number 105-38.

The Financial Services Competitiveness Act of 1997.—Hearing on H.R. 10, the Financial Services Competitiveness Act of 1997. Hearing held on July 25, 1997. PRINTED, Serial Number 105-38.

The Financial Services Competitiveness Act of 1997.—Hearing on H.R. 10, the Financial Services Competitiveness Act of 1997. Hearing held on July 30, 1997. PRINTED, Serial Number 105-38.

Operation of the Superfund Program.—Oversight Hearing on the Operation of the Superfund Program. Hearing held on September 4, 1997. PRINTED, Serial Number 105-41.

Implementation of the Private Securities Litigation Reform Act of 1995.—Oversight Hearing on the Implementation of the Securities Litigation Reform Act of 1995 (Public Law 104-67). Hearing held on October 21, 1997. PRINTED, Serial Number 105-59.

Status of the Superfund Program.—Oversight Hearing on the Status of the Superfund Program. Hearing held on February 4, 1998. PRINTED, Serial Number 105-92.

The Superfund Reform Act.—Hearing on H.R. 3000, the Superfund Reform Act. Hearing held on March 5, 1998. PRINTED, Serial Number 105-78.

The Superfund Reform Act—Addendum.—Hearing on H.R. 3000, the Superfund Reform Act. Hearing held on March 5, 1998. PRINTED, Serial Number 105-78.

The Superfund Reform Act.—Hearing on H.R. 3000, the Superfund Reform Act. Hearing held on March 26, 1998. PRINTED, Serial Number 105-78.

The Superfund Reform Act—Addendum.—Hearing on H.R. 3000, the Superfund Reform Act. Hearing held on March 26, 1998. PRINTED, Serial Number 105-78.

Industry Implementation of Decimal Pricing.—Oversight Hearing on Industry Implementation of Decimal Pricing. Hearing held on May 8, 1998. PRINTED, Serial Number 105-84.

The Securities Litigation Uniform Standards Act of 1997.—Hearing on H.R. 1689, the Securities Litigation Uniform Standards Act of 1997. Hearing held on May 19, 1998. PRINTED, Serial Number 105-85.

The Auto Choice Reform Act of 1997.—Hearing on H.R. 2021, the Auto Choice Reform Act of 1997. Hearing held on May 20, 1998. PRINTED, Serial Number 105-86.

Electronic Commerce—Part 2.—Oversight Hearing on Electronic Commerce: New Methods for Making Electronic Purchases. Hearing held on June 4, 1998. PRINTED, Serial Number 105-112.

Electronic Commerce—Part 2.—Oversight Hearing on Electronic Commerce: Investing Online. Hearing held on June 18, 1998. PRINTED, Serial Number 105-112.

Enhancing Retirement Through Individual Investment Choices.—Oversight Hearing on Enhancing Retirement Security Through Individual Investment Choices. Hearing held on July 24, 1998. PRINTED, Serial Number 105-105.

The Impact and Effectiveness of the Small Order Execution System.—Oversight Hearing on The Impact and Effectiveness of the Small Order Execution System. Hearing held on August 3, 1998. PRINTED, Serial Number 105-103.

International Anti-Bribery and Fair Competition Act of 1998.—Hearing on H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. Hearing held on September 10, 1998. PRINTED, Serial Number 105-141.

Improving Price Competition for Mutual Funds and Bonds.—Oversight Hearing on Improving Price Competition for Mutual Funds and Bonds. Hearing held on September 29, 1998. PRINTED, Serial Number 105-130.

SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio 16-13)

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Vice Chairman
JOE BARTON, Texas
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ELIZABETH FURSE, Oregon
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; food and drugs; drug abuse; and Clean Air Act and environmental protection in general, including the Safe Drinking Water Act.

LEGISLATIVE ACTIVITIES

ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997

Public Law 105-12 (H.R. 1003)

To clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide

Summary

H.R. 1003, the Assisted Suicide Funding Restriction Act of 1997, prohibits the use of appropriated funds to provide or pay for any health care item or service or health benefit coverage for the purpose of causing, or assisting to cause, the death of any individual. The bill sets forth a nonexclusive list of programs, facilities, and personnel to which the prohibition applies, including: (1) the Social Security Act, Title V (Maternal and Child Health Services), Title XVIII (Medicare), Title XIX (Medicaid), and Title XX (Block Grants to States for Social Services); (2) the Public Health Service Act; (3) the Indian Health Care Improvement Act; and (4) provisions of Federal law relating to Federal employees, the military health care system, veterans medical care, Peace Corps volunteers, and Federal prisoners.

Legislative History

On March 6, 1997, the Subcommittee on Health and Environment held a hearing on Assisted Suicide: Legal, Medical, Ethical, and Social Issues. Witnesses included religious leaders, medical practitioners, medical ethicists, and representatives of the community of individuals with disabilities.

H.R. 1003 was introduced in the House by Mr. Hall of Texas and 103 cosponsors on March 11, 1997. The bill was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Education and the Workforce, the Committee on Government Reform and Oversight, the Committee on Resources, and the Committee on International Relations, for a period ending not later than 30 calendar days after the Committee on Commerce reports to the House. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

On March 13, 1997, the Subcommittee on health and Environment met in open markup session and approved H.R. 1003, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session on March 20, 1997, to consider H.R. 1003 and ordered the bill reported to the House, as amended, by a roll call vote of 45 yeas to 2 nays. The Committee on Commerce reported H.R. 1003 to the House on April 8, 1997 (H. Rpt. 105-46, Part 1).

On April 8, 1997, the referral of H.R. 1003 to the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Education and the Workforce, the Committee on Government Reform and Oversight, the Committee on Resources, and the Committee on International Relations was extended for a period ending not later than April 8, 1997. Subsequently, on April 8, 1997, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Education and the Workforce, the Committee on Government Reform and Oversight, the Committee on Resources, and the Committee on International Relations were discharged from further consideration of H.R. 1003.

The House considered H.R. 1003 under Suspension of the Rules on April 10, 1997, and passed the bill, amended, by a roll call vote of 398 yeas to 16 nays.

On April 10, 1997, H.R. 1003 was received in the Senate and read twice. On April 16, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1003 and passed the bill, without amendment, by a roll call vote of 99 yeas to 0 nays, clearing the measure for the President.

H.R. 1003 was presented to the President on April 18, 1997. The President signed H.R. 1003 into law on April 30, 1997 (Public Law 105-12).

PROPAC EXTENSION

Public Law 105-13 (H.R. 1001)

To extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

Summary

H.R. 1001 extends until May 1, 1998, the term of appointment of a member of the Prospective Payment Assessment Commission or the Physician Payment Review Commission which would otherwise expire during 1997.

Legislative History

H.R. 1001 was introduced in the House by Representatives Thomas and Bilirakis on March 10, 1997. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

The Committee on Ways and Means met in open markup session on April 9, 1997, to consider H.R. 1001 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on Ways and Means reported H.R. 1001 to the House on April 10, 1997 (H. Rpt. 105-49, Part 1). On April 10, 1997, the referral of H.R. 1001 to the Committee on Commerce was extended for a period ending not later than April 15, 1997.

On March 12, 1997, the Subcommittee on Health and Environment met in open markup session and approved H.R. 1001, without amendment, for Full Committee consideration, by unanimous consent, a quorum being present.

The Full Committee met in open markup session on March 13, 1997, to consider H.R. 1001 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1001 to the House on April 14, 1997 (H. Rpt. 105-49, Part 2).

The House considered H.R. 1001 under Suspension of the Rules on April 15, 1997, and passed the bill, by a voice vote.

On April 16, 1997, H.R. 1001 was received in the Senate and read twice. On April 30, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1001 and passed the bill, without amendment, clearing the measure for the President.

H.R. 1001 was presented to the President on May 2, 1997. The President signed H.R. 1001 into law on May 14, 1997 (Public Law 105-13).

MEDICARE AND MEDICAID WAIVER FOR NURSE AIDE TRAINING PROGRAMS IN CERTAIN FACILITIES

Public Law 105-15 (H.R. 968)

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. 968 amends Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act to permit a waiver of the prohibition against offering nurse aide training and competency evaluation programs in certain facilities (including, for Medicare purposes, a skilled nursing facility). This measure permits a State to waive the

current prohibition if the State: (1) determines that there is no other such program offered within a reasonable distance of the facility; (2) assures that 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. 968 was introduced in the House by Mr. Ehrlich and two cosponsors on March 6, 1997. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

The Committee on Ways and Means met on March 12, 1997, to consider H.R. 968 and ordered the bill reported to the House, amended, by a voice vote. The Committee on Ways and Means reported H.R. 968 to the House on March 13, 1997 (H. Rpt. 105-23, Part 1). On March 13, 1997, the referral of H.R. 968 to the Committee on Commerce was extended for a period ending not later than March 18, 1997.

On March 12, 1997, the Subcommittee on Health and Environment met in open markup session and approved H.R. 968, without amendment, for Full Committee consideration, by unanimous consent, a quorum being present.

The Full Committee met in open markup session on March 13, 1997, to consider H.R. 968 and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on Commerce reported H.R. 968 to the House on March 18, 1997 (H. Rpt. 105-23, Part 2).

The House considered H.R. 968 on the Corrections Calendar on April 8, 1997, and passed the bill, amended, by a voice vote.

On April 9, 1997, H.R. 968 was received in the Senate, read twice, and referred to the Senate Committee on Finance. On April 30, 1997, by unanimous consent, the Senate Committee on Finance was discharged from further consideration of H.R. 968. By unanimous consent, the Senate then proceeded to the immediate consideration of H.R. 968 and passed the bill, without amendment, on April 30, 1997, clearing the measure for the President.

H.R. 968 was presented to the President on May 6, 1997. The President signed H.R. 968 into law on May 15, 1997 (Public Law 105-15).

DRUG-FREE COMMUNITIES ACT OF 1997

Public Law 105-20 (H.R. 956)

To amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

Summary

H.R. 956 amends the National Narcotics Leadership Act of 1988 to authorize the Director of the Office of National Drug Control Policy (the Director) to establish a program to support communities in the development and implementation of comprehensive, long-

term plans and programs to prevent and treat substance abuse among youth. The Act requires grants to be made to coalitions including representatives of youth, parents, businesses, the media, schools, youth organizations, law enforcement, religious or fraternal organizations, civic groups, health care professionals, State, local, or tribal governmental agencies, and other organizations.

H.R. 956 requires the Director, in carrying out the program, to: (1) make and track grants to recipients; (2) provide for technical assistance and training, data collection and dissemination of information on state-of-the-art practices that the Director determines to be effective in reducing substance abuse; and (3) provide for the general administration of the program. The Director is authorized to enter into contracts with national drug control agencies, including interagency agreements to delegate authority for the execution of grants to carry out this Act. In addition, H.R. 956 authorizes appropriations for Fiscal Year 1998 through Fiscal Year 2002.

Specified criteria that a coalition must meet to be eligible to receive an initial or renewal grant is set forth by the Drug-Free Communities Act of 1997. Limitations are prescribed concerning: (1) grant amounts; (2) coalition awards; and (3) rural coalition grants.

The Act grants the Program Administrator general auditing and data collection authority, and requires the minimization of reporting requirements by grant recipients. H.R. 956 also authorizes the Program Administrator, with respect to any grant recipient or other organization, to: (1) offer technical assistance and training and enter into contracts and cooperative agreements; and (2) facilitate the coordination of programs between a grant recipient and other organizations, and entities. In addition, the Program Administrator is authorized to provide training to any representative designated by a grant recipient in: (1) coalition building; (2) task force development; (3) mediation and facilitation, direct service, assessment and evaluation; or (4) any other activity related to the purposes of the program.

Finally, H.R. 956 establishes the Advisory Commission on Drug-Free Communities to advise, consult with, and make recommendations to the Director concerning activities carried out under the program, and provides that the Advisory Commission will be terminated at the end of Fiscal Year 2002.

Legislative History

H.R. 956 was introduced in the House by Mr. Portman and three cosponsors on March 5, 1997. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

On May 16, 1997, the Committee on Government Reform and Oversight met to consider H.R. 956 and ordered the bill reported to the House, amended, by a voice vote. On May 19, 1997, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Government Reform and Oversight setting forth the Commerce Committee's interpretation of the legislative provisions contained in H.R. 956. The Chairman further indicated that, in order to expedite consideration, the Commerce Committee would agree to be discharged from further consideration of

H.R. 956, without prejudicing its jurisdiction. On May 19, 1997, the Chairman of the Committee on Government Reform and Oversight sent a letter to the Chairman of the Committee on Commerce acknowledging the Committee on Commerce's jurisdictional concerns and prerogatives with respect to H.R. 956.

The Committee on Government Reform and Oversight reported H.R. 956 to the House on May 20, 1997 (H. Rpt. 105-105, Part 1). On May 20, 1997, the referral of H.R. 956 to the Committee on Commerce was extended for a period ending not later than May 20, 1997. Subsequently, on May 20, 1997, the Committee on Commerce was discharged from further consideration of H.R. 956.

The House considered H.R. 956 under Suspension of the Rules on May 22, 1997, and passed the bill, amended, by a roll call vote of 420 yeas to 1 nay.

On June 2, 1997, H.R. 956 was received in the Senate, read twice, and placed on the Senate Calendar. On June 18, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 956 and passed the bill, without amendment, clearing the measure for the President.

H.R. 956 was presented to the President on June 20, 1997. The President signed H.R. 956 into law on June 27, 1997 (Public Law 105-20).

BETTER HEALTH PLAN, INC. MEDICAID ENROLLMENT COMPOSITION WAIVER

Public Law 105-31 (H.R. 2018)

To waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

Summary

Section 1903 (m)(2)(a)(ii) of the Social Security Act requires that Medicaid beneficiaries constitute less than 75 percent of the membership of any prepaid health maintenance organization.

Better Health Plan, Inc. is a Medicaid Prepaid Health Services Plan approved by the New York State Department of Health which operates in the five boroughs of New York City, as well as eleven counties. It serves over 41,500 individuals, of which 36,700 are Medicaid recipients.

H.R. 2018 extends a previous waiver of Section 1903(m)(2)(A)(ii) granted to Better Health Plan, Inc., which would have expired on June 30, 1997, through December 31, 1998.

Legislative History

H.R. 2018 was introduced in the House by Mr. Paxon and four cosponsors on June 24, 1997. The bill was referred solely to the Committee on Commerce.

The Full Committee met in open markup session on June 25, 1997, to consider H.R. 2018 and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2018 to the House on July 8, 1997 (H. Rpt. 105-165).

The House considered H.R. 2018 under Suspension of the Rules on July 8, 1997, and passed the bill by a voice vote.

On July 9, 1997, H.R. 2018 was received in the Senate and read twice. On July 11, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 2018 and passed the bill, without amendment, clearing the measure for the President.

H.R. 2018 was presented to the President on July 16, 1997. The President signed H.R. 2018 into law on July 25, 1997 (Public Law 105-31).

BALANCED BUDGET ACT OF 1997

Public Law 105-33 (H.R. 2015, S. 947)

(Title IV—Medicare, Medicaid, and Children's Health Provisions)

To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Summary

Title IV of Public Law 105-33, the Balanced Budget Act of 1997, contains provisions dealing with reforming the Medicare Program, restructuring the Medicaid Program, and establishing the State Children's Health Insurance Program, all of which fall within the jurisdiction of the Committee on Commerce.

Medicare

Medicare+Choice

Title IV of Public Law 105-33 establishes a new Medicare+Choice program, which allows beneficiaries to receive Medicare benefits through private health plans. The plans must provide at least the same benefits that traditional Medicare fee-for service (FFS) provides. A Medicare+Choice plan can be: (a) a coordinated care plan; (b) a private fee-for-service plan: or (c) on a limited demonstration basis, a combination of a medical savings account (MSA) and a Medicare+Choice insurance plan.

Coordinated care plans may be offered by a health maintenance organization (HMO) (with or without a point-of-service option), a Preferred Provider organization (PPO), or a Provider Sponsored Organization (PSO). PPOs are groups of providers who contract with an insurer to serve a group of enrollees on a negotiated fee-for-service basis (*i.e.*, the physicians and hospitals agree to accept discounted rates for services, generally related to volume). A Provider Sponsored Organization (PSO) is a cooperative venture of a group of providers who control the delivery of services.

Title IV of Public Law 105-33 defines an MSA plan as one that reimburses Medicare-covered services after a specified deductible (up to $6,000) is met. The difference between the premium for the high-deductible plan and the applicable capitation payment would be placed into an account for the beneficiary to use in meeting expenses below the deductible. Because beneficiaries get amounts annually, regardless of actual usage of health services, they may accumulate a substantial amount of money in their accounts. Beneficiaries that return to traditional Medicare may keep money accu-

mulated in their accounts, The MSA option is a demonstration which can enroll up to 390,000 individuals.

Under Title IV, a county's payment rate is the highest of three different rates: (1) a floor, or minimum payment rate; (2) a minimum update rate; or (3) a blended rate. Once each county's payment rate is calculated, the total projected spending for Medicare+Choice plans is compared to a budget neutral amount. If the projected spending is greater than the budget neutral amount, payment rates will be reduced until budget neutrality is met. This is accomplished by lowering payment rates in the blended counties. No county receives less than the floor rate or the minimum update.

Under Title IV, the floor for 1998 is $367 per month. There were 1,213 counties with 1997 adjusted average per capita cost (AAPCC) payments below $367. If a county's 1997 AAPCC payment rate is greater than $367, plans in these counties will be guaranteed an increase of at least 2 percent in 1998 payment rates. In other words, the minimum update (or hold harmless rate) will be equal to the 1997 AAPCC times 102 percent. In 1999, payment rates for the AAPCC will be at least 2 percent higher than the 1998 rates.

In part, the AAPCCs were criticized for their wide variation across counties in the U.S. To reduce variation in costs across the nation, Title IV blends national and local rates. Blending reduces payments in counties with AAPCCs that have been historically higher than the national rates, and increases payments in counties with AAPCCs that have traditionally been lower than the national rate. Both the national and local rates used to compute the blended rate are adjusted rates. To compute the area-specific rate, graduate medical education (GME) payments will be phased out of the capitation rate over 5 years. National rates will be input-priced adjusted to reflect differences in the costs of providing medical care across counties. In 1998, input price adjustments were made to the national average rate using hospital wage index and geographic adjustment factors, which are factors used to adjust payments to FFS Medicare providers.

Medicare Savings

Title IV of Public Law 105-33 achieves Medicare savings by slowing the rate of growth in payments to hospitals, physicians, and other providers. The law creates a single conversion factor beginning in 1998 for physician fees. The 1998 amount will be the 1997 primary care conversion factor, updated to 1998 by the average of three separate updates. Beginning in Fiscal Year 1998, this factor is replaced with a cumulative sustainable growth rate factor based on real gross domestic product growth.

The law requires a new implementation of resource-based practice expenses. Starting in 1998, there will be a reallocation of no more than $390 million in practice expense relative value units. The new practice expense methodology will be phased-in over the 1999-2002 period. In 1999, 25 percent of the practice payment will be based on the new methodology. The percentage will increase to 50 percent in 2000, 75 percent in 2001, and 100 percent in 2002.

Under this law, Medicare's payment for hospital outpatient services is modified. First, this Act requires that beneficiary coinsurance amounts be deducted later in the reimbursement calculation

for hospital outpatient services, so that Medicare payments for covered services are lower. Second, this Act extends the 5.8 percent reduction for those services paid on a cost-related basis. Finally, the Act requires the Secretary of Health and Human Services (the Secretary) to establish a Prospective Payment System for covered services beginning in 1999.

Title IV also reduces the annual update for ambulatory surgical center fees by the Consumer Price Index minus 2 percentage points for each year between Fiscal Years 1998 and 2002. For the payment for laboratory diagnostic tests, the law freezes the fee schedule update for the Fiscal Year 1998-2002 period. Payment for ambulance services is modified by requiring that the reasonable costs and charge limits apply through 1999, with annual increases equal to the Consumer Price Index minus one percentage point. A fee schedule will be implemented by January 1, 2000.

Finally, Title IV makes major changes in payment methods for home health. The Secretary is required to establish a prospective payment system (PPS) for home health and to implement the system beginning in October 1999. Prior to the PPS system, a series of interim payment changes are made for home health services. Home health agencies, for cost reporting periods beginning on or after October 1, 1997, and through September 1999, will be paid the lesser of: (1) their actual costs; (2) the per visit limit, reduced to 105 percent of the national median; or (3) a new blended agency-specific per beneficiary annual limit applied to the home health agency's census count of patients. The blended rate will be based on 75 percent of an agency's own cost and 25 percent of the average cost per beneficiary for agencies in the same census region.

Medicare New Benefits

Title IV of Public Law 105-33 provides for a series of new prevention initiatives. First, it authorizes coverage for annual mammograms for all women ages 40 and over and waives the deductible for screening mammograms. Second, it authorizes coverage, every 3 years, for a screening pelvic exam which includes a clinical beast examination. Third, it authorizes an annual prostate cancer screening test for men over age 50. Fourth, it authorizes coverage of, and establishes frequency limits for, colorectal cancer screening tests. Fifth, it authorizes coverage for diabetes outpatient self-management training services. Sixth, it authorizes coverage for bone mass measurement for high risk persons. Finally, it extends coverage of influenza and pneumonia vaccines.

Title IV also authorizes coverage for acute oral anti-nausea drugs used as part of an anticancer chemotherapeutic regimen. The drug would have to be administered by a physician for use immediately before, at, or within 48 hours of the time of the administration of the chemotherapeutic agent.

Medigap

Title IV of Public Law 105-33 enacts a new set of provisions regarding Medigap. The law guarantees issuance of specified Medigap policies without a pre-existing condition exclusion for certain continuously enrolled individuals. Insurers are prohibited from discriminating in the pricing of such policies on the basis of health

status, claims experience, or medical condition. The guaranteed issuance is extended to a series of statutorily specified situations which involve termination of Medicare+Choice plans.

Medicaid

Medicaid Savings

The Medicaid provisions of Title IV of Public Law 105-33 save $17 billion over a 5-year period. These savings come from three main sources: (1) limits on Federal matching payments to States for payments to disproportionate share (DSH) hospitals; (2) authorization for States to pay the Medicaid rates of low-income Medicare beneficiaries; and (3) the repeal of minimum payment standards for hospitals, nursing homes, and community health centers.

In 1991, Congress enacted State-specific limits on the amount of Federal Medicaid matching funds States may draw for payments to DSH hospitals. Title IV lowers these State-specific limits to achieve $10.4 billion in Federal savings over the next 5 years. The law also limits the amount of a State's Federal Medicaid matching fund allotments for DSH that the State can use for payments to State-operated mental hospitals.

Prior to the enactment of this Act, States had the option of Medicaid paying the cost of Medicare deductibles and coinsurance required of certain low-income Medicare beneficiaries. These included beneficiaries who were eligible for full Medicaid benefits (dual eligibles) as well as Medicare beneficiaries known as Qualified Medicare Beneficiaries (QMBs). Title IV allows States not to pay these deductibles and coinsurance amounts to the extent that the payment made to a physician or other provider by Medicare exceeds the Medicaid rate for the service.

Title IV repeals the Boren Amendment requirement that States pay for nursing facility services and hospital services covered under Medicaid using rates that are reasonable and adequate. States are required to provide for a public process for determination of rates of payment for covered services under which the proposed rates and final rates are published along with their underlying methodologies and justification. The process must give providers and beneficiaries a reasonable opportunity for review and comment on the proposed rates and payment methodologies.

Finally, Title IV maintains the requirement that States include Federally-qualified health centers (FQHCs) in their Medicaid package, but phases out the 100 percent cost reimbursement requirement. The phase-out begins in Fiscal Year 2000, when States are allowed to pay 95 percent of costs; continues through Fiscal Year 2003, when States are allowed to pay only 70 percent of costs; and ends with the repeal of the requirement on October 1, 2003.

Medicaid Coverage Changes

Title IV of Public Law 105-33 reinstates Medicaid eligibility for all low-income immigrants legally in the country as of August 22, 1996, who were elderly or disabled and receiving Supplemental Security Income (SSI) benefits as of that date or who subsequently become disabled and qualify for SSI. The law also requires States to extend Medicaid coverage to all disabled children who were re-

ceiving SSI benefits as of August 22, 1996 (the date of enactment of the welfare law), and who would continue to be eligible for SSI were it not for the more restrictive disability definition.

Title IV gives States the option to extend Medicaid coverage to children under age 19 for up to 12 months after a determination of eligibility regardless of any intervening change in circumstances. The law likewise gives States the option of extending Medicaid coverage to children from the time they are found to be presumptively eligible for Medicaid until the State agency makes a final determination of eligibility.

Title IV permanently raises the Federal Medicaid matching rate for the District of Columbia from the current 50 percent to 70 percent, and also raises the matching rate for Alaska from 50 percent to 59.8 percent for the next three years.

Title IV also establishes a block grant to the States with $1.5 billion in funding over the next five years. The funds are to be used to pay the costs of Part B premiums for Medicare beneficiaries between 120 and 135 percent of the poverty line. Funds also are to be used for the payment of additional Part B premiums due to the transfer of payment for the Medicare home health benefit from Part A to Part B of Medicare for beneficiaries between 135 percent and 175 percent of the poverty line. No individual Medicare beneficiary in this block grant is entitled to premium assistance. States must limit the number of beneficiaries to whom they extend premium assistance on a first come, first served basis.

Finally, Title IV of PL 105-33 contains a significant expansion in State authority with respect to the use of managed care. It enables the States to mandatorily enroll Medicaid beneficiaries in managed care organizations (MCO's) without a waiver from the Secretary. States are explicitly prohibited, however, from mandatorily enrolling children with special needs in managed care. It allows States to contract with managed care organizations that serve only Medicaid beneficiaries, whereas previously a MCO could have no more than 75 percent of its enrollees who were Medicaid eligibles. Beneficiaries must have a choice of at least two managed care entities, however, special exceptions may be made in rural areas. The Act also included a number of important beneficiary and program integrity protections. It applied the prudent layperson standard for emergency care, required plans to have quality assurance and internal grievance programs, and banned "gag-clauses" in physician contracts. It also applied a number of marketing and enrollment protections (like prohibitions against cold-call marketing and marketing fraud) in managed care as well as conflict of interest safeguards for plans and providers.

State Children's Health Insurance Program

Title IV of Public law 105-33 establishes a child health block gant that offers States $20.3 billion in new Federal funding over the next five years to provide child health assistance to uninsured, low-income children. The law allows States to use these funds to expand coverage for children by creating separate child health insurance programs or by expanding coverage under the Medicaid program.

States can begin to receive their block grant funds beginning in Fiscal Year 1998, after they submit to the Secretary of Health and Human Services a child health plan describing how they intend to spend block grant monies. The law gives States four options for meeting minimum Federal benefit standards for insurance coverage under a separate State program. One, they may offer health benefits coverage equivalent to the benefits offered under the standard Blue Cross/Blue Shield preferred provider option service plan offered to Federal employees. Two, a State may offer health benefits coverage equivalent to the benefits provided under a health plan that is offered and generally available to a State's public employees. Three, a State may offer health benefits coverage equivalent to the benefits offered by the HMO within the State that has the highest commercial enrollment. Four, a State can choose one of the three above plans to serve as a benchmark for an alternative package of benefits. The alternative must meet three criteria: (1) it must have an aggregate actuarial value equivalent to the benchmark plan selected by the State; (2) it must offer hospital, physician, lab and x-ray, and well-baby and well-child care; and (3) if the State's benchmark offers coverage for prescription drugs, mental health, vision, or hearing benefits, the children's benefit package must offer some coverage in each of these areas (the coverage must have an actuarial value that is equal to at least 75 percent of the benchmark package).

Title IV limits the extent to which States can impose premiums or cost-sharing on children enrolled in separate programs. States cannot adopt cost-sharing or premium policies that favor higher-income families over lower-income families. The law offers special protections from premium and cost-sharing for families with income below 150 percent of the poverty line.

Finally, Title IV allows States to use child health funds to implement an expansion of Medicaid at an enhanced matching rate. If a State opts to expand coverage under Medicaid, it would do so by increasing its income eligibility standards to cover children who did not qualify for Medicaid under State rules in effect as of April 15, 1997. If a State uses some, or all, of its grant funds to cover more children under Medicaid, Medicaid rules relating to entitlement, benefits, cost-sharing, and delivery of services would apply to the newly covered group of children.

Legislative History

On June 12, 1997, the Full Committee considered and approved three Committee Prints pertaining to health issues for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1997 as follows.

A Committee Print entitled "Title IV—Committee on Commerce—Medicare", was approved by a roll call vote of 30 yeas to 17 nays. Prior to this action, on June 10, 1997, the Subcommittee on Health and Environment approved the Committee Print for Full Committee consideration, amended, by a roll call vote of 15 yeas to 11 nays.

A Committee Print entitled "Title III, Subtitle E—Medicaid", was approved by a roll call vote of 28 yeas to 18 nays. Prior to this action, on June 10, 1997, the Subcommittee on Health and Environ-

ment approved the Committee Print for Full Committee consideration, amended, by a roll call vote of 16 yeas to 12 nays.

A Committee Print entitled "Title III, Subtitle F—Child Health Assistance Program", was approved by a roll call vote of 39 yeas to 7 nays. Prior to this action, on June 10, 1997, the Subcommittee on Health and Environment approved the Committee Print for Full Committee consideration, amended, by a voice vote.

On June 17, 1997, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on the Budget transmitting these three Committee Prints for inclusion in the Balanced Budget Act of 1997.

The provisions of two of these Committee Prints were included in the text of Title III of H.R. 2015, as reported to the House by the Committee on the Budget on June 24, 1997, as Subtitle E—Medicaid and Subtitle F—Child Health Assistance Program (CHAP) (H. Rpt. 105-149). The provisions of the Committee Print dealing with the Medicare Program were included in the text of Title IV of H.R. 2015, as reported to the House by the Committee on the Budget on June 24, 1997 (H. Rpt. 105-149).

The Committee on Rules met on June 24, 1997, and granted a rule providing for the consideration of H.R. 2015. The rule was filed in the House as H. Res. 174. On June 25, 1997, the House passed H. Res. 174 by a roll call vote of 228 yeas to 200 nays.

The House considered H.R. 2015 on June 25, 1997, and passed the bill, amended, by a roll call vote of 270 yeas to 162 nays. On June 25, 1997, H.R. 2015 was received in the Senate and read twice.

On June 20, 1997, the Senate Committee on the Budget reported a companion bill to the Senate, which was introduced in the Senate as S. 947 (No Written Report). Pursuant to a unanimous consent request agreed to on June 20, 1997, the Senate began consideration of S. 947 on June 23, 1997. The Senate considered S. 947 on June 23, June 24, and June 25, 1997; and on June 25, 1997, passed S. 947 by a roll call vote of 73 yeas to 27 nays. Pursuant to a unanimous consent request agreed to on June 24, 1997, the Senate, on June 25, 1997, then proceeded to the immediate consideration of H.R. 2015, struck all after the enacting clause and inserted in lieu thereof the text of S. 947 as passed by the Senate, and passed H.R. 2015. By unanimous consent, the Senate postponed further consideration of S. 947.

On June 27, 1997, the Senate insisted on its amendment to H.R. 2015, requested a conference with the House, and appointed conferees. On July 10, 1997, the House disagreed to the Senate amendment to H.R. 2015, agreed to a conference with the Senate, and appointed conferees. A motion to instruct the conferees was agreed to by a roll call vote of 414 yeas to 14 nays. Members of the Committee on Commerce were appointed as conferees. On July 30, 1997, the conference report on H.R. 2015 was filed in the House (H. Rpt. 105-347).

On July 29, 1997, the Committee on Rules met and granted a rule waiving clause 4(b) of Rule XI (requiring a 2/3 vote to consider a rule on the same day it is reported by the Committee on Rules) with respect to the rule on H.R. 2015, or amendments in disagreement reported before August 3, 1997, and the rule on H.R. 2014

or amendments in disagreement reported before August 3, 1997. The rule was filed in the House as H. Res. 201. On July 30, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2015. The rule was filed in the House as H. Res. 202. On July 30, 1997, the House passed H. Res. 201 by a roll call vote of 237 yeas to 187 nays. The House then passed H. Res. 202 by a voice vote. Finally, on July 30, 1997, the House agreed to the conference report on H.R. 2015 by a roll call vote of 346 yeas to 85 nays.

The Senate considered the conference report on H.R. 2015 on July 30, and July 31, 1997; and on July 31, 1997, passed the conference report by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2015 was presented to the President on August 1, 1997. On August 5, 1997, the President signed H.R. 2015 into law (Public Law 105-33).

(NOTE: *Public Law 104-130, the Line Item Veto Act, amended the Budget Control and Impoundment Act of 1974, as amended, and gave the President additional rescission authority. The Act provided that, whenever the President signs a bill or resolution, the President may cancel in whole (1) any dollar amount of discretionary budget authority, (2) any item of new direct spending, or (3) certain limited tax benefits. In making such cancellations, the President must determine that the cancellation will (1) reduce the Federal budget deficit, (2) not impair any essential government functions, and (3) not harm the national interest. Public Law 104-130 also provides that these cancellations (line item vetoes) shall be effective upon receipt in the House and the Senate of a special message from the President containing the notification of cancellation unless a disapproval bill for such special message is enacted into law.*

On August 11, 1997, pursuant to the provisions of Public Law 104-130, the President cancelled an item of new direct spending, Section 4722(c) of Public Law 105-33, in its entirety (Cancellation No. 97-3). Subsection (c) of Section 4722 deals with a Waiver of Certain Provider Tax Provisions with respect to the Treatment of State Taxes Imposed on Certain Hospitals in the State of New York.

On September 3, 1997, a Message from the President transmitting A Cancellation of One Item of New Direct Spending contained in the Balanced Budget Act of 1997 was received in the House and referred to the Committee on the Budget (H. Doc. 105-115).

On September 3, 1997, S. 1144, a bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105-33, was introduced in the Senate by Senators Moynihan and D'Amato. The bill was referred to the Senate Committee on Finance. On September 15, 1997, pursuant to the provisions of section 1023 of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974, the Senate Committee on Finance was discharged from further consideration of S. 1144 and the bill was placed on the Senate Calendar. No further action was taken on S. 1144.

On September 9, 1997, H.R. 2436, a bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105-33, was introduced in the House by Representa-

tives Gilman and Rangel. The bill was referred solely to the Committee on Commerce. No further action was taken on H.R. 2436.

On June 25, 1998, the United States Supreme Court, in Clinton, et al. v. City of New York, et al., held that the Line Item Veto Act (Public Law 104-130) violated the Presentment Clause of the Constitution. That Clause requires every bill which has passed the House and Senate before becoming law must be presented to the President for approval or veto, but is silent on whether the President may amend or repeal provisions of bills that have passed the House and Senate in identical form. The Court interpreted silence on this issue as equivalent to an express prohibition.

The Court concluded that the Line Item Veto Act unconstitutionally empowered the President unilaterally to repeal or amend provisions of duly enacted bills. Nonvetoed items that emerged as law were truncated versions of bills passed by both Houses of Congress, but not the product of the finely wrought procedure for lawmaking designed by the framers of the Constitution.

After reviewing the Court's decision, the Department of Justice determined that the ruling invalidated each of the cancellations made pursuant to the Line Item Veto Act, including those not subject to the suit. Acting on this determination, the Office of Management and Budget made available to the affected agencies all funds that had been canceled pursuant to the Act with one exception pertaining to mineral rights which was subject to a rescission proposal submitted to Congress.)

TAXPAYER RELIEF ACT OF 1997

Public Law 105-34 (H.R. 2014, H. Con. Res. 138, S. 949)

To provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Summary

Section 1604 of Title XVI of Public Law 105-34 amends the Balanced Budget Act of 1997 (Public Law 105-33) to direct the Secretary of Health and Human Services to provide, either directly or through grants, for research into the prevention and cure of Type I diabetes.

Legislative History

H.R. 2014 was introduced in the House on June 24, 1997, by Mr. Kasich as an original measure, and was reported to the House on the same day by the Committee on the Budget (H. Rpt. 105-148).

The Committee on Rules met on June 24, 1997, and granted a rule providing for the consideration of H.R. 2014. The rule was filed in the House as H. Res. 174. On June 25, 1997, the House passed H. Res. 174 by a roll call vote of 228 yeas to 200 nays and 1 voting present.

The House considered H.R. 2014 on June 26, 1997, and passed the bill, amended, by a roll call vote of 253 yeas to 179 nays. On June 26, 1997, H.R. 2015 was received in the Senate.

On June 20, 1997, the Senate Committee on Finance reported a companion bill to the Senate, which was introduced in the Senate

as S. 949 (S. Rpt. 105-33). The Senate considered S. 949 on June 25, June 26, and June 27, 1997. On June 27, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 2014, struck all after the enacting clause and inserted in lieu thereof the text of S. 949, as amended by the Senate, and passed H.R. 2014 by a roll call vote of 80 yeas to 18 nays. On June 27, 1997, the Senate insisted on its amendment to H.R. 2014, requested a conference with the House, and appointed conferees. Subsequently, on June 27, 1997, by unanimous consent, S. 949 was returned to the Senate Calendar.

On July 8, 1997, H.R. 2014 was returned to the House. On July 10, 1997, the House disagreed to the Senate amendment to H.R. 2014, agreed to a conference with the Senate, and appointed conferees. A motion to instruct the conferees failed by a roll call vote of 199 yeas to 233 nays. Although not appointed as conferees, Members of the Committee on Commerce worked with the House and Senate Conferees on H.R. 2014 with respect to the issue under the Committee's jurisdiction.

On July 29, 1997, the Committee on Rules met and granted a rule waiving clause 4(b) of Rule XI (requiring a 2/3 vote to consider a rule on the same day it is reported by the Committee on Rules) with respect to the rule on H.R. 2015, or amendments in disagreement reported before August 3, 1997, and the rule on H.R. 2014 or amendments in disagreement reported before August 3, 1997. The rule was filed in the House as H. Res. 201. On July 30, 1997, the House passed H. Res. 201 by a roll call vote of 237 yeas to 187 nays.

The conference report on H.R. 2014 was filed in the House on July 30, 1997 (H. Rpt. 105-220). On July 30, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2014. The rule was filed in the House as H. Res. 206. The House passed H. Res. 206, amended, by a voice vote on July 31, 1997. On July 30, 1997, the House agreed to the conference report on H.R. 2014 by a roll call vote of 389 yeas to 43 nays. Finally, on July 31, 1997, by unanimous consent, the House proceeded to the immediate consideration of H. Con. Res. 138, a resolution to correct technical errors in the enrollment of H.R. 2014, and agreed to the concurrent resolution.

On July 31, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of the conference report on H.R. 2014 and agreed to the conference report by a roll call vote of 92 yeas to 8 nays, clearing the measure for the President. By unanimous consent, the Senate then proceeded to the immediate consideration of H. Con. Res. 138, a resolution to correct technical errors in the enrollment of H.R. 2014, and agreed to the concurrent resolution on July 31, 1997.

H.R. 2014 was presented to the President on August 1, 1997. On August 5, 1997, the President signed H.R. 2014 into law (Public Law 105-34).

(**NOTE:** *Public Law 104-130, the Line Item Veto Act, amended the Budget Control and Impoundment Act of 1974, as amended, and gave the President additional rescission authority. The Act provided that, whenever the President signs a bill or resolution, the President may cancel in whole (1) any dollar amount of discre-*

tionary budget authority, (2) any item of new direct spending, or (3) certain limited tax benefits. In making such cancellations, the President must determine that the cancellation will (1) reduce the Federal budget deficit, (2) not impair any essential government functions, and (3) not harm the national interest. Public Law 104-130 also provides that these cancellations (line item vetoes) shall be effective upon receipt in the House and the Senate of a special message from the President containing the notification of cancellation unless a disapproval bill for such special message is enacted into law.

On August 11, 1997, pursuant to the provisions of Public Law 104-130, the President cancelled two limited tax benefits (Cancellation No. 97-1 and Cancellation No. 97-2). Cancellation No. 97-1 cancels Section 1175, "Exemption for Active Financing Income", in its entirety. Cancellation No. 97-2 cancels Section 968, "Nonrecognition of Gain on Sale of Stock to Certain Farmers' Cooperatives", in its entirety.

On September 3, 1997, a Message from the President transmitting Cancellations of Two Limited Tax Benefits contained in the Taxpayer Relief Act of 1997 was received in the House and referred to the Committee on the Budget and the Committee on Ways and Means. (H. Doc. 105-116.)

On June 25, 1998, the United States Supreme Court, in Clinton, et al. v. City of New York, et al., held that the Line Item Veto Act (Public Law 104-130) violated the Presentment Clause of the Constitution. That Clause requires every bill which has passed the House and Senate before becoming law must be presented to the President for approval or veto, but is silent on whether the President may amend or repeal provisions of bills that have passed the House and Senate in identical form. The Court interpreted silence on this issue as equivalent to an express prohibition.

The Court concluded that the Line Item Veto Act unconstitutionally empowered the President unilaterally to repeal or amend provisions of duly enacted bills. Nonvetoed items that emerged as law were truncated versions of bills passed by both Houses of Congress, but not the product of the finely wrought procedure for lawmaking designed by the framers of the Constitution.

After reviewing the Court's decision, the Department of Justice determined that the ruling invalidated each of the cancellations made pursuant to the Line Item Veto Act, including those not subject to the suit. Acting on this determination, the Office of Management and Budget made available to the affected agencies all funds that had been canceled pursuant to the Act with one exception pertaining to mineral rights which was subject to a rescission proposal submitted to Congress.)

STAMP OUT BREAST CANCER ACT

Public Law 105-41 (H.R. 1585)

To allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes.

Summary

H.R. 1585 requires the U.S. Postal Service to establish a special rate of postage for first-class mail that is equal to the regular rate plus a differential of not to exceed 25 percent to be offered as an alternative that patrons may use voluntarily to contribute to funding for breast cancer research.

H.R. 1585 requires the U.S. Postal Service to pay 70 percent of the amounts attributable (additional revenues minus costs) to such differential to the National Institutes of Health and the remainder to the Department of Defense under arrangements as mutually agreed, provided payments are made at least twice a year.

In addition, the Postmaster General is required to include in each annual report to the Board of Governors information concerning the operation of this Act.

Finally, the provisions of this Act will be terminated at the end of the two-year period beginning on the date on which such postage stamps are first made available to the public. The Comptroller General is required to report to the Congress, no later than three months (but not earlier than six months) before the end of the two-year period, on the operation of this Act.

Legislative History

H.R. 1585 was introduced in the House by Ms. Molinari and two cosponsors on May 13, 1997. The bill was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce and the Committee on National Security. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

On July 22, 1997, the House considered H.R. 1585 under Suspension of the Rules, thereby discharging the Committees of referral from further consideration of H.R. 1585. The House passed H.R. 1585, amended, by a roll call vote of 422 yeas to 3 nays.

On July 23, 1997, H.R. 1585 was received in the Senate and read twice. On July 24, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1585, and passed the bill, clearing the measure for the President.

H.R. 1585 was presented to the President on August 1, 1997. The President signed H.R. 1585 into law on August 13, 1997 (Public Law 105-41).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Public Law 105-78 (H.R. 2264, S. 1061)

(Health Provisions)

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Summary

Public Law 105-78 provides appropriations for Fiscal Year 1998 for the Departments of Labor, Health and Human Services, and Education, and related agencies. Additionally, the Act includes sev-

eral provisions falling with the jurisdiction of the Committee on Commerce dealing with health issues.

Section 211 of Public Law 105-78 includes provisions dealing with the relocation of the Gillis W. Long Hansen's Disease Center, which reflect an amended version of the text of H.R. 1588, the Hansen's Disease Program Amendments Act of 1997, which was introduced in the House on May 8, 1997, by Mr. Baker and five cosponsors and referred solely to the Committee on Commerce.

Section 211 sets forth procedures to be used for the relocation of the Gillis W. Long Hansen's Disease Center and the transfer to the State of Louisiana of the property at the current site of such Center, including administrative procedures for the relocation of patients and separation of employees.

Section 603 of Public Law 105-78 includes provisions dealing with Parkinson's Disease research, which reflect an amended version of the text of H.R. 1260, the Morris K. Udall Parkinson's Disease Research Act of 1997, which was introduced in the House on April 9, 1997, by Mr. Upton and 110 cosponsors and referred solely to the Committee on Commerce.

Section 603 amends the Public Health Service Act to require the Director of National Institutes of Health to establish a program for research and training with respect to Parkinson's disease. Specifically, it authorizes the Director to award up to ten Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. This section also establishes a grant program to support investigators who have proven records of excellence and innovation in Parkinson's research. Finally, for the purposes of carrying out this section and section 301 and Title IV of the Public Health Service Act with respect to Parkinson's Disease research, $100 million is authorized for Fiscal Year 1998 and such sums as may be necessary for each of Fiscal Years 1999 and 2000.

Members of the Committee on Commerce worked with the Members of the House and Senate Appropriations Committees to develop both of these provisions.

Legislative History

H.R. 2264 was introduced in the House on July 25, 1997, by Mr. Porter, as an original measure, and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 105-205).

The Committee on Rules met on July 28, 1997, and granted a rule providing for the consideration of H.R. 2264. The rule was filed in the House as H. Res. 199. On July 31, 1997, the House agreed to a unanimous consent request providing for the consideration of H.R. 2264 and amendments thereto. Subsequently, on July 31, 1997, H. Res. 199 was laid on the table.

The House considered H.R. 2264 on September 4, September 5, September 8, September 9, September 10, September 11, September 16, and September 17, 1997. On September 17, 1997, the House passed H.R. 2264, amended, by a roll call vote of 346 yeas to 80 nays.

On July 24, 1997, the Senate Committee on Appropriations reported S. 1061, a companion bill, to the Senate (S. Rpt. 105-58). The Senate considered S. 1061 on September 2, September 3, Sep-

tember 4, September 5, September 8, September 9, September 10, and September 11, 1997. On September 11, 1997, the Senate passed S. 1061, amended, by roll call vote of 92 yeas to 8 nays.

On September 17, 1997, H.R. 2264 was received in the Senate and read twice. Pursuant to a unanimous consent request agreed to on September 4, 1997, the Senate, on September 17, 1997, proceeded to the immediate consideration of H.R. 2264, struck all after the enacting clause and inserted in lieu thereof the text of S. 1061, as passed by the Senate, and passed H.R. 2264 amended. On September 17, 1997, the Senate insisted on its amendment to H.R. 2264, requested a conference with the House, and appointed conferees. Finally on September 17, 1997, by unanimous consent, the Senate vitiated passage of S. 1061 and indefinitely postponed further consideration of the bill.

On September 23, 1997, the House disagreed to the Senate amendment to H.R. 2264, agreed to a conference with the Senate, and appointed conferees. A motion to instruct the conferees was agreed to by a voice vote.

On November 7, 1997, the conference report on H.R. 2264 was filed in the House (H. Rpt. 105-390). On November 7, 1997, the House agreed to the conference report on H.R. 2264 by a roll call vote of 352 yeas to 65 nays.

On November 8, 1997, the Senate proceeded to the immediate consideration of the conference report on H.R. 2264, and agreed to the conference by a roll call vote of 91 yeas to 4 nays, clearing the measure for the President.

H.R. 2264 was presented to the President on November 8, 1997. The President signed H.R. 2264 into law on November 13, 1997 (Public law 105-78).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Public Law 105-85 (H.R. 1119, S. 936, S. 924, S. Con. Res. 64)

(Environment and Health Provisions)

To authorize appropriations for fiscal year 1998 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 105-85 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including provisions dealing with environment and health 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. 1119.

Section 351 of Title III of Division A contains a provision establishing a policy for the sale of Clean Air Act emission reduction credits by military facilities. This section authorizes the Secretary of Defense to establish a two-year pilot program to assess the feasibility and advisability for the sale of economic incentives for the reduction of air pollutants. The section also allows the proceeds of

the sale of such economic incentives to be credited to the funds available to the military facility for the costs of identifying, quantifying, or valuing the economic incentives that are sold. If, after the proceeds are credited for the above-specified activities, there remains a balance attributable to the sale, this balance may be made available to the Secretary of Defense for allocation to programs, projects and activities necessary for compliance with Federal environmental laws and, to the extent practicable, allocated to the facilities which generated the economic incentives. The total amount allocated from all sales in a fiscal year, however, may not exceed $500,000, with any balance above this amount turned over to the U.S. Treasury as miscellaneous receipts.

With respect to health issues, Public Law 105-85 contains the following provisions which fall within the jurisdiction of the Committee on Commerce: (1) Section 601, dealing with an increase in basic pay for Fiscal Year 1998; (2) Section 653, dealing with the eligibility of Public Health Service (PHS) officers and National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps officers for reimbursement of adoption expenses; (3) Section 734, dealing with dental insurance plan coverage for retirees of the PHS and NOAA; and (4) Section 737, dealing with portability of State licenses for Department of Defense health care professionals.

Legislative History

H.R. 1119 was introduced in the House by Representatives Spence and Dellums on March 19, 1997, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 1119 on June 11, 1997, and ordered the bill reported to the House, amended, by a roll call vote of 51 yeas to 3 nays. On June 16, 1997, the Committee on National Security reported H.R. 1119 to the House (H. Rpt. 105-132).

The Committee on Rules met on June 18, 1997, and granted a rule providing for the consideration of H.R. 1119. The rule was filed in the House as H. Res. 169. On June 19, 1997, the House passed H. Res. 169, amended, by a roll call vote of 322 yeas to 101 nays.

The House considered H.R. 1119 on June 19, June 20, June 23, June 24, and June 25, 1997; and on June 25, 1997, passed the bill, as amended by a roll call vote of 304 yeas to 120 nays. On July 7, 1997, H.R. 1119 was received in the Senate, read twice, and placed on the Senate Calendar.

On June 17, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 924 and placed on the Senate Calendar (S. Rpt. 105-29). On June 18, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 936 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 936 on June 19, June 20, July 7, July 8, July 9, July 10, and July 11, 1997. On July 11, 1997, the Senate passed S. 936, amended, by a roll call vote of 94 yeas to 4 nays. On July 11, 1997, by unanimous consent, the Senate agreed to a request that S. Rpt. 105-29, the report to accompany S. 924, be deemed to be the report to accompany S. 936. The Senate then, by

unanimous consent, took H.R. 1119 from the Senate Calendar and passed the bill, amended with the text of S. 936 as passed by the Senate. The Senate insisted on its amendment to H.R. 1119, requested a conference with the House, and appointed conferees.

On July 25, 1997, the House disagreed to the Senate amendment to H.R. 1119, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The House, on July 25, 1997, also agreed by a roll call vote of 414 yeas to 0 nays to a motion to instruct the conferees and, by a roll call vote of 409 yeas to 1 nay, agreed to a motion to close portions of the conference.

On September 5, 1997, the House agreed to a second motion to instruct the conferees by a roll call vote of 261 yeas to 150 nays. The conference report on H.R. 1119 was filed in the House on October 23, 1997 (H. Rpt. 105-340).

On October 23, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 1119. The rule was filed in the House as H. Res. 278. On October 28, 1997, the House passed H. Res. 278 by a roll call vote of 353 yeas to 59 nays.

The House agreed to the conference report by a roll call vote of 286 yeas to 123 nays on October 28, 1997. The Senate agreed to the conference report by a roll call vote of 90 yeas to 10 nays on November 6, 1997.

On November 6, 1997, the Senate also agreed to S. Con. Res. 64, a resolution to provide for corrections in the enrollment of H.R. 1119, pursuant to a unanimous consent request agreed to on October 31, 1997. S. Con. Res. 64 was received in the House on November 6, 1997, and held at the desk. No further action was taken on S. Con. Res. 64.

H.R. 1119 was presented to the President on November 6, 1997. The President signed H.R. 1119 into law on November 18, 1997 (Public Law 105-85).

ADOPTION AND SAFE FAMILIES ACT OF 1997

Public Law 105-89 (H.R. 867)

To promote the adoption of children in foster care.

Summary

Section 306 of Title III of Public Law 105-89 mandates that State plans for foster care and adoption assistance provide health insurance coverage for children with special needs. Additionally, Title III also prohibits the Secretary of Health and Human Services from authorizing a State demonstration project if it fails to provide health insurance coverage for certain children with special needs.

Legislative History

H.R. 867 was introduced in the House by Mr. Camp and two cosponsors on February 27, 1997. The bill was referred solely to the Committee on Ways and Means.

The Committee on Ways and Means considered H.R. 867 on April 23, 1997, and ordered the bill reported to the House, amend-

ed, by a voice vote. The Committee reported H.R. 867 to the House on April 28, 1997 (H. Rpt. 105-77).

The Committee on Rules met on April 29, 1997, and granted a rule providing for the consideration of H.R. 867. The rule was filed in the House as H. Res. 134. On April 30, 1997, the House passed H. Res. 134 by a voice vote.

The House considered H.R. 867 on April 30, 1997, and passed the bill, amended, by a roll call vote of 416 yeas to 5 nays. On May 1, 1997, H.R. 867 was received in the Senate. On June 2, 1997, H.R. 867 was read a first time. On June, 3, 1997, H.R. 867 was read for the second time and placed on the Senate Calendar.

On November 8, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 867 and passed the bill, amended.

On November 13, 1997, the House considered H. Res. 327 under Suspension of the Rules, and passed the resolution by a roll call vote of 406 yeas to 7 nays. H. Res. 327 provided for the agreement of the House to the Senate amendment to H.R. 867, with an amendment.

On November 13, 1997, H. R. 867 was laid before the Senate and, by unanimous consent, the Senate concurred in the House amendment to the Senate amendment to H.R. 867, clearing the measure for the President.

H.R. 867 was presented to the President on November 17, 1997. The President signed H.R. 867 into law on November 19, 1997 (Public Law 105-89).

FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Public Law 105-115 (S. 830, H.R. 1411, H.R. 1710, H.R. 2469, H. Con. Res. 196, S. Con. Res. 69)

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Summary

The Food and Drug Administration Modernization Act of 1997 (Modernization Act) addresses, among other things, approval of prescription drugs, medical devices, and food additives.

With respect to product approvals for drugs, the Modernization Act, reauthorizes the Prescription Drug User Fee Act of 1992, which, during its first five years, resulted in over $325 million being submitted to the FDA which paid for 600 new reviewers at the FDA, which reduced FDA's average drug approval time by more than 13 months. The Modernization Act also establishes a formal mechanism for identifying cutting-edge, breakthrough drugs early in the research and development process, and provides manufacturers with the opportunity for early interaction with the FDA to help streamline approval. In addition, the Modernization Act clarifies that data from an adequate and well-controlled study, under certain circumstances, may constitute substantial evidence of effectiveness; establishes time lines for FDA action on IND submissions and clinical holds; allows, under certain circumstances, abbreviated reports to be submitted in place of full reports on clinical

and nonclinical studies for inclusion in NDAs or biologics license applications; establishes requirements regarding agency actions in reviewing applications; and, requires the agency to establish independent Scientific Advisory Panels to provide advice and recommendations on drug and biological product clinical investigations and marketing approvals.

With respect to medical devices, the Modernization Act streamlines product approvals by establishing procedures for the accreditation of third-party reviewers to review certain 510(k) premarket notification submissions and to make recommendations regarding the initial classification of devices. This allows FDA to redirect its resources to priority, high-risk devices, while maintaining the critical review of products before they enter the marketplace. The Modernization Act also eliminates several unnecessary regulatory burdens including, among others: allowing investigational device and protocol modifications without prior FDA clearance; developing specific procedures for investigational plans for FDA's review; creating special review procedures for Premarket Approval (PMA) applications for devices representing breakthrough technologies; establishing accredited third party reviews; creating additional 510(k) exemptions; allowing for certain new, low risk products to be initially classified according to risk, rather than receiving an automatic class III designation; establishing certainty of review time frames for 510(k)s and PMAs; and providing clarification on the number of required clinical investigations required for PMA approval.

With respect to food products, the Modernization Act improves the regulation of food through such reforms, among others, as those pertaining to the timetable and regulatory authority of the Secretary of Health and Human Services in processing health and nutrient content claims, and food contact substance notifications.

Legislative History

In preparation for legislative action on the modernization of the Food and Drug Administration, the Subcommittee on Health and Environment held two oversight hearings. On April 23, 1997, the Subcommittee held a hearing on the Reauthorization of the Prescription Drug User Fee Act and FDA Reform. Witnesses included representatives of the Food and Drug Administration, the pharmaceutical industry, the National Multiple Sclerosis Society, the Children's Brain Tumor Foundation and the American Academy of Pediatrics, academic experts, and patients.

On April 30, 1997, the Subcommittee on Health and Environment held an oversight hearing on Medical Devices: Technological Innovation and Patient/Provider Perspectives. The Subcommittee received testimony from representatives of the Food and Drug Administration and State and university hospitals.

In connection with these hearings, three bills were introduced in the House to amend the Federal Food, Drug and Cosmetic Act with respect to the regulation of food, drugs, and medical devices.

On April 23, 1997, H.R. 1411, the Drug and Biological Products Modernization Act of 1997, was introduced in the House by Mr. Burr and five cosponsors. The bill was referred solely to the Committee on Commerce. The purpose of this bill was to facilitate the development and approval of new drugs and biological products.

On May 22, 1997, H.R. 1710, the Medical Device Regulatory Modernization Act of 1997, was introduced in the House by Mr. Barton and 39 cosponsors. The bill was referred solely to the Committee on Commerce. The purpose of this bill was 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.

On September 11, 1997, H.R. 2469, the Food and Nutrition Information Reform Act, was introduced in the House by Mr. Whitfield and 14 cosponsors. The bill was referred solely to the Committee on Commerce. The purpose of this bill was to provide for improvements in the regulation of food ingredients, nutrient content claims, and health claims.

S. 830, a companion bill dealing with modernization of the Food and Drug Administration, was introduced in the Senate on June 5, 1997, by Mr. Jeffords and seven cosponsors. The bill was referred to the Senate Committee on Labor and Human Resources. On June 18, 1997, the Senate Committee on Labor and Human Resources considered S. 830 and ordered the bill reported to the Senate, amended. On July 1, 1997, pursuant to the unanimous consent agreement reached on June 27, 1997, for filing reports during the Senate recess, the Senate Committee on Labor and Human Resources reported S. 830 to the Senate (S. Rpt. 105-43).

The Senate considered S. 830 on September 11, September 16, September 18, September 19, September 23, and September 24, 1997. On September 24, 1997, the Senate passed S. 830, amended, by a roll call vote of 98 yeas to 2 nays. On September 25, 1997, S. 830 was received in the House and held at the desk.

On September 17, 1997, the Subcommittee on Health and Environment met in open markup session and approved for Full Committee consideration, the following three bills: (1) H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997, amended, by a voice vote; (2) H.R. 2469, the Food and Nutrition Information Reform Act of 1997, amended, by a voice vote; and (3) H.R. 1710, the Medical Device Regulatory Modernization Act of 1997, amended, by a voice vote.

On September 25, 1997, the Full Committee met in open markup session and ordered H.R. 1411 reported to the House, amended, by a roll call vote of 43 yeas to 0 nays. On that same day, the Full Committee also ordered H.R. 2469 reported to the House, amended, by a roll call vote of 43 yeas to 0 nays. On September 26, 1997, the Full Committee met in open markup session and ordered H.R. 1710 reported to the House, amended, by a voice vote, a quorum being present.

On October 6, 1997, the Committee on Commerce reported H.R. 2469 to the House (H. Rpt. 105-306). On October 6, 1997, the Committee on Commerce also reported H.R. 1710 to the House (H. Rpt. 105-307). On October 7, 1997, the Committee on Commerce reported H.R. 1411 to the House (H. Rpt. 105-310).

On October 7, 1997, the House considered H.R. 1411 under Suspension of the Rules and passed the bill, amended, by a voice vote. As passed by the House, H.R. 1411 included the provisions of three separate bills reported by the Committee on Commerce: (1) H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug

Regulatory Modernization Act of 1997; (2) H.R. 2469, the Food and Nutrition Information Reform Act of 1997; and (3) H.R. 1710, the Medical Device Regulatory Modernization Act of 1997.

On October 7, 1997, the House, by unanimous consent, took S. 830 from the desk and passed the bill after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 1411, as passed by the House. Subsequently, on October 7, 1997, H.R. 1411 was laid on the table.

On October 22, 1997, by unanimous consent, the House insisted on its amendment to S. 830, requested a conference with the Senate, and appointed conferees. On October 23, 1997, the Senate disagreed to the House amendment to S. 830, agreed to a conference with the House, and appointed conferees. On November 9, 1997, the conference report on S. 830 was filed in the House (H. Rpt. 105-399).

The Senate agreed to the conference report on S. 830 on November 9, 1997, by a voice vote. On November 9, 1997, the House considered the conference report on S. 830 under Suspension of the Rules, and agreed to the conference report by a voice vote, clearing the measure for the President.

On November 13, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of S. Con. Res. 69, a resolution to correct the enrollment of S. 830, and passed the concurrent resolution. S. Con. Res. 69 was received in the House on November 13, 1997, and held at the desk. No further action was taken on S. Con. Res. 69.

On November 13, 1997, the House considered H. Con. Res. 196, a resolution to correct the enrollment of S. 830, under Suspension of the Rules, and passed the concurrent resolution by a voice vote. H. Con. Res. 196 was received in the Senate on November 13, 1997, and referred to the Senate Committee on Labor and Human Resources. No further action was taken on H. Con. Res. 196.

S. 830 was presented to the President on November 19, 1997. The President signed S. 830 into law on November 21, 1997 (Public Law 105-115).

BIRTH DEFECTS PREVENTION ACT OF 1998

Public Law 105-168 (S. 419)

To provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

Summary

S. 419 amends the Public Health Service Act to direct the Secretary of Health and Human Services (the Secretary), acting through the Director of the Centers for Disease Control and Prevention, to carry out programs to: (1) collect and analyze, and make available data on birth defects in a manner that facilitates compliance with this Act, including data on the causes of such defects and on the incidence and prevalence of such defects; (2) operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and (3) provide information and education to the public on the prevention of such defects.

The bill also requires the Secretary, in collecting, analyzing, and making available data on birth defects, to: (1) collect and analyze data by gender and by racial and ethnic group; (2) collect such data from birth and death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and (3) encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects and to make the data available.

S. 419 requires the Secretary to report biennially to the House Committee on Commerce and the Senate Committee on Labor and Human Resources on birth defects, and authorizes appropriations for carrying out this program in the following amounts: $30 million for Fiscal Year 1999, $40 million for Fiscal Year 2000, and such sums as may be necessary for each of Fiscal Years 2001 and 2002.

Legislative History

S. 419 was introduced in the Senate by Mr. Bond and 17 cosponsors on March 11, 1997. The bill was referred to the Senate Committee on Labor and Human Resources.

On June 12, 1997, by unanimous consent, the Senate Committee on Labor and Human Resources was discharged from further consideration of S. 419. The Senate then, by unanimous consent, proceeded to the immediate consideration of S. 419 and passed the bill, amended, on June 12, 1997, by a voice vote.

On June 16, 1997, S. 419 was received in the House. On June 17, 1997, S. 419 was referred solely to the Committee on Commerce.

On March 5, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker asking that, in order to expedite consideration, the Committee be discharged from further consideration of S. 419 and that the bill be scheduled for floor consideration under Suspension of the Rules, provided that such action would not prejudice the Commerce Committee's jurisdictional prerogatives with respect to the legislation.

On March 10, 1998, the House considered S. 419 under Suspension of the Rules, thereby discharging the Committee on Commerce from further consideration of S. 419, and passed by bill, by a roll call vote of 405 yeas to 2 nays, clearing the measure for the President.

S. 419 was presented to the President on April 17, 1998. The President signed S. 419 into law on April 21, 1998 (Public Law 105-168).

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Public Law 105-178 (H.R. 2400, S. 1173)

(Environment Provisions)

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Summary

Public Law 105-178 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including

several dealing with environment 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. 2400.

Title I of Public Law 105-178 contains provisions reauthorizing the Environmental Protection Agency's (EPA's) Congestion Mitigation and Air Quality program (CMAQ). The CMAQ program funds certain State transportation projects designed to reduce the emissions of pollutants and thereby increase air quality. Title I also contains certain provisions concerning planning and management of transportation projects.

Title VI of Public Law 105-178 contains provisions concerning EPA's implementation of the revised ozone and particulate matter air quality standards and the regional haze program. These provisions ensure that EPA will implement the revised standards and the regional haze program in accordance with the schedule and principles set forth in the President's July 16, 1997, Memorandum.

Legislative History

On June 18, 1997, the Subcommittee on Health and Environment held an oversight hearing on Reauthorization of Transportation-Related Air Quality Improvement Programs. At that hearing, testimony on CMAQ and other air quality programs was received from Federal agencies, associations, and industry.

H.R. 2400 was introduced in the House on September 4, 1997, by Mr. Shuster and three cosponsors. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget.

On March 24, 1998, the Committee on Transportation and Infrastructure met to consider H.R. 2400, and ordered the bill reported to the House, amended, by a roll call vote of 69 yes to 0 nays. On March 25, 1998, the Committee on Transportation and Infrastructure reported H.R. 2400 to the House (H. Rpt. 105-467, Part 1). On March 25, 1998, the referral of H.R. 2400 to the Committee on the Budget was extended for a period ending not later than March 27, 1998. On March 25, 1998, H.R. 2400 was also referred, sequentially, to the Committee on Ways and Means for a period ending not later than March 27, 1998.

On March 25, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Transportation and Infrastructure indicating that H.R. 2400, as ordered reported, included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that, in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 2400, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation. On March 25, 1998, the Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to H.R. 2400.

On March 26, 1998, the Committee on Ways and Means considered H.R. 2400, and ordered the bill reported to the House, amended, by a voice vote.

On March 27, 1998, the Committee on Transportation and Infrastructure filed a supplemental report on H.R. 2400 in the House (H. Rpt. 105-467, Part 2). On March 27, 1998, the Committee on Ways and Means reported H.R. 2400 to the House (H. Rpt. 105-467, Part 3). On March 27, 1998, the Committee on the Budget was discharged from further consideration of H.R. 2400.

On March 31, 1998, the Committee on Rules met and granted a rule providing for the consideration of H.R. 2400. The rule was filed in the House as H. Res. 405. The House passed H. Res. 405 on April 1, 1998, by a roll call vote of 357 yeas to 61 nays. The House considered H.R. 2400 on April 1, 1998, and passed the bill, amended, by a roll call vote of 337 yeas to 80 nays.

On April 1, 1998, the House also agreed to a unanimous consent request if a message arrived from the Senate indicating that the Senate had passed H.R. 2400, with an amendment, insisted on its amendment, and requested a conference with the House, that the House be deemed to have disagreed to the Senate amendment, agreed to the conference with the Senate, and that the Speaker appointed conferees without any intervening motion. The unanimous consent request also provided for a motion to instruct conferees to be offered on the House Floor during the week of April 21, 1998, and provided that the managers could not file a conference report prior to April 22, 1998. H.R. 2400 was received in the Senate on April 2, 1998, and read twice.

On September 12, 1997, S. 1173, a companion bill, was introduced in the Senate by Mr. Warner and fourteen cosponsors. The bill was read twice and referred to the Senate Committee on Environment and Public Works. On September 17, 1997, the Senate Committee on Environment and Public Works considered S. 1173 and ordered the bill reported to the Senate, amended. On October 1, 1997, the Senate Committee on Environment and Public Works reported S. 1173 to the Senate (S. Rpt. 105-95). The Senate considered S. 1173 on October 8, October 20, October 21, October 22, October 23, October 24, October 28, and October 29, 1997. On October 29, 1997, S. 1173 was returned to the Senate Calendar.

On February 26, 1998, the Senate began consideration of S. 1173 again, and considered the bill on February 26, February 27, March 2, March 3, March 4, March 5, March 6, March 9, March 10, March 11, and March 12, 1998. On March 12, 1998, the Senate adopted an modified committee amendment in the nature of a substitute. S. 1173 was then read for the third time and again returned to the Senate Calendar. On April 2, 1998, pursuant to a unanimous consent request agreed to on March 12, 1998, the Senate proceeded to the immediate consideration of H.R. 2400, struck all after the enacting clause and inserted in lieu thereof the text of S. 1173 as amended by the Senate, and passed H.R. 2400. By unanimous consent, the Senate indefinitely postponed S. 1173.

On April 2, 1998, the Senate insisted on its amendment to H.R. 2400, requested a conference with the House, and appointed conferees. On April 3, 1998, pursuant to the unanimous consent agreement of April 1, 1998, the House disagreed to the Senate amendment to H.R. 2400, agreed to a conference with the Senate, and appointed conferees. On April 22, 1998, the Speaker appointed additional conferees from the Committee on Commerce. On April 23,

1998, the Speaker appointed additional conferees from the Committee on Science. On May 6, 1998, the Speaker appointed additional conferees from the Committee on Ways and Means and the Committee on the Budget. On May 20, 1998, a motion to instruct conferees passed by a roll call vote of 422 yeas to 0 nays. On May 21, 1998, a motion to instruct conferees was defeated by a roll call vote of 77 yeas to 332 nays, with 1 voting present. On May 21, 1998, a second motion to instruct conferees also was defeated by a roll call vote of 156 yeas to 251 nays, with 2 voting present. On May 22, 1998, the conference report on H.R. 2400 was filed in the House (H. Rpt. 104-550).

On May 22, 1998, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2400. The rule was filed in the House as H. Res. 449. On May 22, 1998, the House passed H. Res. 449 by a roll call vote of 359 yeas to 29 nays. On May 22, 1998, the House also agreed to the conference report on H.R. 2400 by a roll call vote of 397 yeas to 86 nays.

The Senate agreed to the conference report on H.R. 2400 on May 22, 1998 by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2400 was presented to the President on May 28, 1998. On June 9, 1998, the President signed H.R. 2400 into law (Public Law 105-178).

NATIONAL BONE MARROW REGISTRY REAUTHORIZATION ACT OF 1998

Public Law 105-196 (H.R. 2202)

To amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

Summary

More than 30,000 children and adults in the U.S. are diagnosed each year with leukemia, aplastic anemia, or other life-threatening diseases. For many, the only hope for survival is a marrow transplant. The National Marrow Donor Program was designed to coordinate the national matching of allogeneic unrelated donors and recipients. Under the Public Health Service Act, the program is charged with establishing a national registry of voluntary bone marrow donors. To date, the registry contains nearly 3 million volunteers willing to become marrow donors if matched, and has facilitated more than 6,000 bone marrow transplants.

H.R. 2202 amends Section 379 of the Public Health Service Act (42 U.S.C. 274k) to reauthorize the National Bone Marrow Donor Registry through Fiscal Year 2003. The bill also includes provisions to: (1) reform of the composition and terms of office for the Board of Directors; and (2) increase recruitment of potential donors. Finally, H.R. 2202 formally establishes an Office of Patient Advocacy and Case Management within the program to provide individualized services for patients requesting assistance. The office will provide information and coordinate all aspects of the search and transplantation process to ensure the needs of the patient are being met.

Legislative History

On July 17, 1997, Mr. Young of Florida and 64 cosponsors introduced H.R. 2202 in the House. The bill was referred solely to the Committee on Commerce.

On April 23, 1998, the Subcommittee on Health and Environment held a joint hearing with the Senate Committee on Labor and Human Resources Subcommittee on Public Health and Safety on "The Gift of Life": Increasing Bone Marrow Donation and Transplantation. Testimony was received from a Member of Congress, representatives of the Department of Health and Human Services, the National Institutes of Health, the National Marrow Donor Program, and the American Association of Blood Banks, and patients.

On May 12, 1998, the Subcommittee on Health and Environment met in open markup session to consider H.R. 2202, and approved the bill for Full Committee consideration, amended, by a voice vote.

The Full Committee met in open markup session on May 14, 1998, to consider H.R. 2202 and ordered the bill reported to the House, as amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2202 to the House on May 18, 1998 (H. Rpt. 105-538).

The House considered H.R. 2202 under Suspension of the Rules on May 19, 1998, and passed the bill, by a voice vote.

On May 20, 1998, H.R. 2202 was received in the Senate, read twice, and referred to the Senate Committee on Labor and Human Resources. On June 24, 1998, by unanimous consent, the Senate Committee on Labor and Human Resources was discharged from further consideration of H.R. 2202. By unanimous consent, the Senate then proceeded to the immediate consideration of H.R. 2202 and passed the bill, without amendment, clearing the measure for the President.

H.R. 2202 was presented to the President on July 8, 1998. The President signed H.R. 2202 into law on July 16, 1998 (Public Law 105-196).

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

Public Law 105-248 (H.R. 4382, S. 537)

To amend the Public Health Service Act to revise and extend the program for mammography quality standards.

Summary

H.R. 4382 reauthorizes programs for inspection and certification of mammography facilities. It also provides for direct patient notification of all mammography examinations, requiring that "a summary of the written report shall be provided to every patient in terms easily understood by a lay person;" and permits the Food and Drug Administration (FDA) to conduct a limited demonstration project to determine the feasibility of inspecting high-performing mammography facilities on a less than annual basis.

In addition, H.R. 4382 contains provisions to: (1) clarify the responsibility of the mammography facility to retain mammogram records so that women have the ability to obtain the original of their mammograms; (2) clarify that both State and local govern-

ment agencies have inspection authority; and (3) ensure that patients and referring physicians will be advised of any mammogram facility deficiencies.

Legislative History

S. 537, the Mammography Quality Standards Reauthorization Act, was introduced in the Senate on April 9, 1997, by Ms. Mikulski and 42 cosponsors. The bill was referred to the Senate Committee on Labor and Human Resources. On November 9, 1997, by unanimous consent, the Senate Committee on Labor and Human Resources was discharged from further consideration of S. 537. By unanimous consent, the Senate then proceeded to the immediate consideration of S. 537 and passed the bill on November 9, 1997. On November 12, 1997, S. 537 was received in the House and referred solely to the Committee on Commerce. No further action was taken on S. 537.

The Subcommittee on Health and Environment held a hearing on May 8, 1998, on the Reauthorization of the Mammography Quality Standards Act. Witnesses included representatives of the Food and Drug Administration, the General Accounting Office, cancer awareness organizations, and the American College of Radiology.

On August 3, 1998, the Subcommittee on Health and Environment met in open markup session to consider a Committee Print entitled the "Mammography Quality Standards Reauthorization Act of 1998", and approved the introduction of a clean bill to reflect the Committee Print, as amended by the Subcommittee, for Full Committee consideration, by a voice vote. On August 3, 1998, Mr. Bliley and 23 cosponsors introduced the clean bill in the House as H.R. 4382. The bill was referred solely to the Committee on Commerce.

On August 5, 1998, the Full Committee met in open markup session to consider H.R. 4382, and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee reported H.R. 4382 to the House on September 14, 1998 (H. Rpt. 105-713).

The House considered H.R. 4382 under Suspension of the Rules on September 15, 1998, and passed the bill by a roll call vote of 401 yeas to 1 nay.

On September 16, 1998, H.R. 4382 was received in the Senate, read twice, and placed on the Senate Calendar. On September 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 4382 and passed the bill, clearing the measure for the President.

H.R. 4382 was presented to the President on October 1, 1998. The President signed H.R. 4382 into law on October 9, 1998 (Public Law 105-248).

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Public Law 105-261 (H.R. 3616, S. 2057, S. 2060)

(Health Provisions)

To authorize appropriations for fiscal year 1999 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 105-261 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including a number of provisions dealing with health related issues. These provisions include: (1) the expansion of dependent eligibility retiree dental programs: (2) the provision of health care for military retirees and their dependents comparable to health care provided under the TRICARE program; (3) a plan for the redesign of the military pharmacy system; (4) transitional authority to provide continued health care coverage for certain persons unaware of loss of CHAMPUS eligibility; (5) payment of claims for provision of health care under the TRICARE program for which a third party may be liable; (6) inflation adjustments of premium amounts for the dependents dental program; and (7) a report on the implementation of enrollment-based capitation for funding for military medical treatment facilities. 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. 3616.

Legislative History

H.R. 3616 was introduced in the House by Representatives Spence and Skelton on April 1, 1998, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 3616 on May 6, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 12, 1998, the Committee on National Security reported H.R. 3616 to the House (H. Rpt. 105-532).

The Committee on Rules met on May 14, 1998, and granted a rule providing for the consideration of H.R. 3616. The rule was filed in the House as H. Res. 435. On May 19, 1998, the House passed H. Res. 435 by a voice vote. On May 19, 1998, the Committee on Rules met and granted a second rule providing for the further consideration of H.R. 3616. The rule was filed in House as H. Res. 441. On May 20, 1998, the House passed H. Res. 441 by a roll call vote of 304 yeas to 108 nays.

The House considered H.R. 3616 on May 19, May 20, and May 21, 1998; and on May 21, 1998, passed the bill, amended, by a roll call vote of 357 yeas to 60 nays. On May 22, 1998, H.R. 3616 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2060 and placed on the Senate Calendar (S. Rpt. 105-189). On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2057 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 2057 on May 13, May 14, June 18, June 19, June 22, June 23, June 24, and June 25, 1998. On June 25, 1998, the Senate passed S. 2057, amended, by a roll call vote of 88 yeas to 4 nays. S. 2057 was received in the House on July 20, 1998, and held at the desk. On October 21, 1998, S. 2057 was referred to the House Committee on National Security. No further action was taken on S. 2057 in the 105th Congress.

On June 25, 1998, the Senate, by unanimous consent, took H.R. 3616 from the Senate Calendar and passed the bill, amended with the text of S. 2057 as passed by the Senate. The Senate insisted on its amendment to H.R. 3616, requested a conference with the House, and appointed conferees.

On July 22, 1998, the House disagreed to the Senate amendment to H.R. 3616, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On July 22, and July 23, 1998, the House considered a motion to instruct the conferees. On July 23, 1998, the House agreed to a motion to instruct the conferees by a roll call vote of 424 yeas to 0 nays, with 1 voting present. The House also agreed to a motion to close portions of the conference by a roll call vote of 412 yeas to 5 nays.

The conference report on H.R. 3616 was filed in the House on September 22, 1998 (H. Rpt. 105-736).

The Committee on Rules met on September 23, 1998, and granted a rule providing for the consideration of the conference report on H.R. 3616. The rule was filed in the House as H. Res. 549.

On September 24, 1998, the House passed H. Res. 549 by a voice vote. The House agreed to the conference report by a roll call vote of 373 yeas to 50 nays on September 24, 1998. The Senate considered the conference report on September 30, and October 1, 1998; and on October 1, 1998, the Senate agreed to the conference report by a roll call vote of 96 yeas to 2 nays.

H.R. 3616 was presented to the President on October 6, 1998. The President signed H.R. 3616 into law on October 17, 1998 (Public Law 105-261).

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Public Law 105-276 (H.R. 4194, S. 2168)

(Environment 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, 1999, and for other purposes.

Summary

Public Law 105-276 provides appropriations for Fiscal Year 1999 for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices. Additionally, the Act includes a number of provisions falling with the jurisdiction of the Committee on Commerce, including several provisions dealing with environment related issues.

Public Law 105-276 contains a provision regarding the Environmental Protection Agency's (EPA's) ability to regulate so-called "greenhouse" gasses. The Clean Air Act does not currently authorize EPA to regulate emissions based on climate change concerns. Title VI of the Clean Air Act contains limited authority to publish the global warming potential of substances listed on the basis of their ozone-depletion potential, but such authority is specifically limited and cannot be construed to form the basis of additional regulation. Otherwise, Subtitle B of Appendix A of the Clean Air Act requires the study, but not regulation of, carbon dioxide.

Public Law 105-276 also prohibits EPA from using any appropriated funds to implement the Kyoto Protocol, adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of Parties to the United Nations Framework Convention on Climate Change, until that treaty is ratified by the Senate pursuant to Article II, section 2, clause 2, of the United States Constitution. The President has not submitted the Kyoto Protocol to the Senate for ratification. Accordingly, this provision simply reflects the historical system of Constitutional checks and balances between the Executive and Legislative branches regarding treaties with foreign nations. The funding limitation contained in Public Law 105-276 does not apply to the conduct of education activities and seminars by EPA.

Members of the Committee on Commerce worked with the Members of the House and Senate Appropriations Committees to develop these provisions.

Legislative History

H.R. 4194 was introduced in the House on July 8, 1998, by Mr. Lewis, as an original measure, and reported to the House on the same day by the Committee on Appropriations (H. Rpt. 105-610). The House considered H.R. 4194 on July 17, July 23, and July 29, 1998. On July 29, 1998, the House passed H.R. 4194, amended, by a roll call vote of 259 yeas to 164 nays.

On June 12, 1998, the Senate Committee on Appropriations reported S. 2168, a companion bill, to the Senate (S. Rpt. 105-216). The Senate considered S. 2168 on July 6, July 7, July 16, and July 17, 1998. On July 17, 1998, the Senate passed S. 2168, amended, by a voice vote.

On July 30, 1998, H.R. 4194 was received in the Senate. Pursuant to an unanimous consent agreement reached on July 16, 1998, the Senate proceeded to the immediate consideration of H.R. 4194; passed the bill amended with the text of S. 2168, as passed by the Senate on July 17, 1998; insisted on the Senate amendment to H.R. 4194; requested a conference with the House; and appointed conferees. Passage of S. 2168 was then vitiated and the bill was indefinitely postponed.

On September 15, 1998, the House disagreed to the Senate amendment to H.R. 4194, agreed to a conference with the Senate, and appointed conferees. The House, on September 15, 1998, also agreed by a roll call vote of 405 yeas to 0 nays to a motion to instruct the conferees. The conference report on H.R. 4194 was filed in the House on October 5, 1998 (H. Rpt. 105-769). On October 6, 1998, the House agreed to the conference report on H.R. 4194 by a roll call vote of 409 yeas to 14 nays. The Senate agreed to the conference report on H.R. 4194 on October 8, 1998, by a roll call vote of 96 yeas to 1 nay.

On October 10, 1998, H.R. 4194 was presented to the President. On October 21, 1998, the President signed H.R. 4194 into law (Public Law 105-276).

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

Public Law 105-277 (H.R. 4328, S. 2307)

(Environment and Health Provisions)

To make omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Summary

H.R. 4328 served as an omnibus continuing appropriations measure for those Federal agencies that did not have individual Fiscal Year 1999 appropriations measures enacted into law. Affected agencies and entities included the Departments of Agriculture, Justice, Commerce, State, Interior, Labor, Health and Human Services, Education, Transportation, and the Treasury. The bill also contained other Federal appropriations for the District of Columbia, foreign operations, military readiness, anti-terrorism, Year 2000 conversion of Federal information technology systems, counter-drug activities and interdiction, and other emergencies. Additionally, a number of legislative provisions, some within the jurisdiction of the Committee on Commerce, were included in H.R. 4328.

Environment Issues

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, Title VII-General Provisions, Section 764, provisions which amend Section 604 of the Clean Air Act (42 U.S.C. 7401 et seq). Section 764 adds a new subsection (h) to section 604 of the Clean Air Act and new subsections (5) and (6) to section 604(d) and new subsection (3) to section 604(e) of the Clean Air Act. These provisions address the phaseout of methyl bromide under Title VI of the Clean Air Act and the Montreal Protocol, the international treaty addressing ozone-depleting substances.

Under section 764, notwithstanding subsection (d) and section 604(b) of the Clean Air Act, the Administrator of the Environmental Protection Agency (EPA) shall not terminate the production of methyl bromide prior to January 1, 2005. The EPA Adminis-

trator is also required to promulgate rules for reductions in, and termination of the production, importation, and consumption of methyl bromide under a schedule that is not more stringent than the phaseout schedule in effect under the Montreal Protocol as of the date of enactment of section 604(h).

In addition, section 764 provides that, to the extent consistent with the Montreal Protocol, the EPA Administrator shall exempt the production, importation, and consumption of methyl bromide for the fumigation of certain commodities and for purposes of compliance with any international, Federal, State, or local sanitation or food protection standard. Section 764 also provides that, to the extent consistent with the Montreal Protocol and after specified consultations, the EPA Administrator may exempt the production, importation, or consumption of methyl bromide for critical uses.

Finally, section 764 provides that, notwithstanding phaseout dates established by section 604(h) and consistent with the Montreal Protocol, the EPA Administrator may authorize the production of limited quantities of methyl bromide, solely for use in certain developing countries that are Parties to the Copenhagen Amendments to the Montreal Protocol.

Members of the Committee on Commerce reviewed these changes to the Clean Air Act and recommended certain changes to the statutory language prior to its adoption as part of the conference report on H.R. 4368 (H. Rpt. 105-825).

Health Issues

Transplant Organ Allocation

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title II-Department of Health and Human Services, Section 213, provisions which would delay the Administration's regulations that would radically alter the way cadaveric organs are allocated to those needing transplants. Under section 213, the Institute of Medicine is tasked with reviewing the complex issues surrounding organ allocation and issuing a report to Congress by not later than May 1, 1999.

Substance Abuse and Mental Health Block Grants

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title II-Department of Health and Human Services, Section 218, provisions that allow funds allocated to the States for the Substance Abuse Block Grant and the Mental Health Block Grant to be allocated according to current law which would incorporate the Secretary of Health and Human Services' decision to change the wage proxy to the use of nonmanufacturing wages. This section also contains a small State minimum and hold harmless provision for States that would have experienced reductions due to the change in formula.

Child Abuse Notification under Title X of Public Health Service Act

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title II-Department of Health and Human Services, Section 219, provisions which state that, notwithstanding any other provision of law, no provider of service under Title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

National Center for Complementary and Alternative Medicine

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title VI-National Center for Complementary and Alternative Medicine, legislative language to establish the National Center for Complementary and Alternative Medicine. The Center's primary purpose is to conduct and support basic and applied research to examine the safety and efficacy of alternative treatments. The Center shall conduct or support the following activities: (1) outcomes research and investigations; (2) epidemiological studies; (3) health services research; (4) basic science research; (5) clinical trials; and (6) other appropriate research and investigational activities.

State Children's Health Insurance Program

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title VII-Miscellaneous Provisions, Section 707, provisions which require that the Health Care Financing Administration (HCFA) use the census count and cost factors published on September 12, 1997, in the *Federal Register* for the calculation of block grant funds in the State Children's Health Insurance Program (S-CHIP).

Mastectomy Coverage

Public Law 105-277 includes, in Division A-Omnibus Consolidated Appropriations, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, Title IX-Women's Health and Cancer Rights, provisions which mandate that group health plans, and health insurance issuers providing mastectomy coverage shall provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for: (1) all stages of reconstruction of the breast on which the mastectomy has been performed; (2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and (3) prostheses and physical complications of mastectomy, including lymphedemas; in a manner determined in consultation with the attending physician and the patient. Additionally, this coverage may be subject to annual deductibles and coinsurance provisions as deemed appropriate and

consistent with those established for other benefits under the plan or coverage.

Vaccine Injury Compensation Program

Title XV, Division C-Other Matters, of Public Law 105-277 makes several modifications in the Vaccine Injury Compensation Program. Section 1502 strikes the provision under current law that required that a plaintiff must incur unreimbursable expenses due in whole or in part to an illness, disability, or injury caused by the administration of a vaccine in an amount greater than $1,000. Section 1503 includes the Rotavirus Gastroenteritis as a taxable vaccine for purposes of the vaccine compensation fund. Section 1504 makes technical changes in the structure of the vaccine injury compensation trust fund.

Drug Demand Reduction Act

Public Law 105-277 includes, in Division D-Drug Demand Reduction Act, a modified version of text of H.R. 4550, which passed the House on September 16, 1998, by a roll call vote of 396 yeas to 9 nays. Division D establishes programs to significantly reduce the incidence of substance abuse through restricting the demand for illegal drugs and the improper use of legal drugs. The legislation also provides grants to support the efforts of parent organizations to develop and promote efforts to reduce illegal drug use among children in their communities, incentives for the approval of anti-addiction drugs, and medical education through health professionals to prevent, diagnose, and treat substance abuse cases.

Methamphetamine Trafficking Penalties

Public Law 105-277 includes, in Division F-Methamphetamine Trafficking Penalty Enhancement Act of 1998, provisions to increase penalties for the possession, distribution, and import of methamphetamines.

Medicare Home Health

Public Law 105-277 includes, in Division J-Revenues and Medicare, Title V-Medicare-Related Provisions, Subtitle A-Home Health, changes to the payment system for Medicare's home health care benefit as defined in the Balanced Budget Act of 1997 (P.L. 105-33). Subtitle A delays the implementation of the prospective payment system until October 1, 2000, and delays an across-the-board 15 percent reduction in payments to home health agencies until that date.

Subtitle A also allows for periodic interim payments until implementation of the prospective payment system. This action is expected to provide equity to those agencies which have low-cost, low-utilization practices relative to other agencies, by increasing the per beneficiary limits. Those agencies below the national median per beneficiary limit will have their limit increased by ⅓ of the difference between their limit and the national median.

In addition, Subtitle A increases payments to "new" agencies whose first full year cost report began after October 1, 1993, by two percent, and establishes that agencies opening after October 1, 1998, will have per beneficiary limits equal to 75 percent of the

wage adjusted national median (calculated with a two percent reduction).

Subtitle A also reduces the home health market basket update for Fiscal Years 2000, 2001, 2002, and 2003, by 1.1 percentage points. Despite the increase in Medicare Part B expenditures, Subtitle A excludes these costs from the calculation of the beneficiary monthly premium until the prospective payment system is implemented.

Finally, Subtitle A requires several reports on the prospective payment system summarizing research conducted by the Secretary of Health and Human Services to be submitted to the Congress so that implementation of the new payment system is not further delayed. The policies contained in the Act were carefully designed to meet administrative restrictions relating to the Year 2000.

Medicare Fraud and Abuse

Public Law 105-277 includes, in Division J-Revenues and Medicare, Title V-Medicare-Related Provisions, Subtitle B-Other Medicare-Related Provisions, Section 5201, authority for the Department of Health and Human Services Office of the Inspector General to promulgate a rule authorizing exceptions to the fraud and abuse provisions. It places limits on the Inspector General's safe harbor authority relating to providers or health care facilities providing Medicare supplemental coverage to end-stage renal disease beneficiaries. The duration of the safe harbor authority for this particular issue will be limited to a two year period which commences on the date that the rule is promulgated, stipulating that the Comptroller General shall conduct a study that compares any disproportionate impact on specific issuers of the purchase of Medicare supplemental policies for end stage renal disease patients. Section 5201 also requires the Comptroller General to submit recommendations on whether the Inspector General's authority to issue such exceptions should be extended.

Medicare Payment Advisory Commission

Public Law 105-277 includes, in Division J-Revenues and Medicare, Title V-Medicare-Related Provisions, Subtitle B-Other Medicare-Related Provisions, Section 5202, provisions to increase the number of commissioners appointed to Medicare Payment Advisory Commission to seventeen. The addition of two members will enable the Commission to reflect more fully the diversity of backgrounds and interests in the health policy community.

Legislative History

On July 22, 1998, the Committee on Appropriations ordered reported an original measure to the House, which was introduced in the House on July 24, 1998, as H.R. 4328. On July 24, 1998, the Committee on Appropriations reported H.R. 4328 to the House (H. Rpt. 105-648).

The Committee on Rules met on July 28, 1998, and granted a rule providing for the consideration of H.R. 4328. The rule was filed in the House as H. Res. 510. On July 29, 1998, the House passed H. Res. 510 by a voice vote.

The House considered H.R. 4328 on July 29 and July 30, 1998; and on July 30, 1998, passed the bill, amended, by a roll call vote of 391 yeas to 25 nays. H.R. 4328 was received in the Senate on July 30, 1998.

On July 14, 1998, the Senate Committee on Appropriations ordered reported an original measure to the Senate as the Senate companion bill, which was introduced in the Senate by Mr. Shelby on July 15, 1998 as S. 2307. The Senate Committee on Appropriations reported S. 2307 to the Senate on July 15, 1998 (S. Rpt. 105-249). The Senate considered S. 2307 on July 23 and July 24, 1998. On July 24, 1998, by a roll call vote of 90 yeas to 1 nay, the Senate passed S. 3207, amended.

On July 30, 1998, pursuant to a unanimous consent request agreed to on July 23, 1998, the Senate proceeded to the immediate consideration of H.R. 4328, struck all after the enacting clause and inserted in lieu thereof the text of S. 2307, as passed by the Senate, and passed H.R. 4328, as amended. The Senate then insisted on its amendment to H.R. 4328, requested a conference with the House, and appointed conferees. Finally, on July 30, 1998, the Senate vitiated passage of S. 2307 and indefinitely postponed further consideration of that bill.

On September 15, 1998, the House disagreed to the Senate amendment to H.R. 4328, agreed to a conference with the Senate, and appointed conferees. The House, on September 15, 1998, also agreed to a motion to instruct conferees by a roll call vote of 249 yeas to 161 nays. The conference report on H.R. 4328 was filed in the House on October 19, 1998 (H. Rpt. 105-825).

The Committee on Rules met on October 20, 1998, and granted a rule providing for the consideration of the conference report on H.R. 4328. The rule was filed in the House as H. Res. 605. On October 20, 1998, the House passed H. Res. 605 by a roll call vote of 333 yeas to 88 nays.

The House agreed to the conference report on H.R. 4328 by a roll call vote of 333 yeas to 95 nays on October 20, 1998. The Senate agreed to the conference report by a roll call vote of 65 yeas to 29 nays on October 21, 1998.

H.R. 4328 was presented to the President on October 21, 1998. The President signed H.R. 4328 into law on October 21, 1998 (Public Law 105-277).

BORDER SMOG REDUCTION ACT OF 1998

Public Law 105-286 (H.R. 8)

To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

Summary

Public Law 105-286 amends the Clean Air Act to add a new subsection (h) to section 183 (42 U.S.C. 7511b). Under subsection (h), certain noncommercial vehicles registered in a foreign country will be denied entry into covered ozone nonattainment areas, if State law requires the inspection and maintenance of such vehicles and such vehicles attempt to enter the covered ozone nonattainment

area more than twice in a single calendar-month period without complying with applicable inspection and maintenance laws. Subsection (h) further provides for monetary sanctions for repeated violations or attempted violations and allows a State to design an alternative approach to the prohibitions contained in the subsection, if such an alternative approach is approved by the President. Subsection (h) additionally requires a study by the General Accounting Office of the potential impact of the new subsection (h) compared with the increase in commercial vehicle traffic resulting from the implementation of the North American Free Trade Agreement.

Legislative History

H.R. 8 was introduced in the House by Mr. Bilbray and seven cosponsors on January 7, 1997. The bill was referred solely to the Committee on Commerce.

On November 18, 1997, the Subcommittee on Health and Environment held an oversight field hearing in San Diego, California, on transborder air pollution and the impact of commuter vehicles in border regions. The Subcommittee received testimony from Federal, State and local officials and citizen organizations with respect to H.R. 8, and conducted a site visit to the San Ysidro border crossing between Southern California and Mexico.

On June 19, 1998, the Subcommittee on Health and Environment met in open markup session and approved H.R. 8, amended, for Full Committee consideration by a voice vote.

On June 24, 1998, the Full Committee met in open markup session to consider H.R. 8 and ordered the bill reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 8 to the House on July 20, 1998 (H. Rpt. 105-634).

The House considered H.R. 8 under Suspension of the Rules on July 20, 1998, and passed the bill by a voice vote.

On July 21, 1998, H.R. 8 was received in the Senate, read twice, and referred to the Senate Committee on Environment and Public Works. On September 23, 1998, the Senate Committee on Environment and Public Works ordered H.R. 8 reported to the Senate. The Senate Committee on Environment and Public Works reported H.R. 8 to the Senate on September 28, 1998 (S. Rpt. 105-355).

On October 5, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 8 and passed the bill, amended.

On October 7, 1998, H.R. 8 was returned to the House. The House considered H.R. 8 under Suspension of the Rules on October 7, 1998, and agreed to the Senate amendment to H.R. 8 by a voice vote, clearing the measure for the President.

H.R. 8 was presented to the President on October 15, 1998. The President signed H.R. 8 into law on October 27, 1998 (Public Law 105-286).

NONCITIZEN BENEFIT CLARIFICATION AND OTHER TECHNICAL AMENDMENTS ACT OF 1998

Public Law 105-306 (H.R. 4558)

To make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

Summary

Public Law 105-306 amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRAWORA). The Act provides that the new restrictions imposed on alien eligibility for Supplemental Security Income under Title XVI of the Social Security Act (SSA) (and thus Medicaid under SSA Title XIX) shall not apply to a nonqualified alien who was receiving such benefits on August 22, 1996 (the date of enactment of PRAWORA).

Legislative History

H.R. 4558 was introduced in the House by Representatives Shaw and Levin on September 14, 1998. The bill was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce.

The Committee on Ways and Means considered H.R. 4558 on September 18, 1998, and ordered the bill reported to the House, amended, by a voice vote. The Committee on Ways and Means reported H.R. 4558 to the House on September 22, 1998 (H. Rpt. 105-735, Part 1). On September 22, 1998, the referral of H.R. 4558 to the Committee on Commerce was extended for a period ending not later than September 23, 1998.

On September 22, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Ways and Means indicating that, in order to expedite consideration of H.R. 4558, the Committee on Commerce would agree to waive consideration of the bill, provided such action would not prejudice the Commerce Committee's future jurisdictional concerns and prerogatives with respect to H.R. 4558.

On September 22, 1998, 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 and prerogatives with respect to H.R. 4558 and stating that a Manager's Amendment would be offered on the House floor to clarify the treatment of Medicaid benefits.

The House considered H.R. 4558 under Suspension of the Rules on September 23, 1998, thereby discharging the Committee on Commerce from further consideration of the bill. The House passed H.R. 4558, amended, by a voice vote.

On September 24, 1998, H.R. 4558 was received in the Senate and read twice. On October 8, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 4558 and passed the bill, without amendment, clearing the measure for the President.

H.R. 4558 was presented to the President on October 20, 1998. The President signed H.R. 4558 into law on October 28, 1998 (Public Law 105-306).

TORTURE VICTIMS RELIEF ACT OF 1998

Public Law 105-320 (H.R. 4309)

To provide a comprehensive program of support for victims of torture.

Summary

H.R. 4309 amends the Foreign Assistance Act of 1961 to authorize the President to provide assistance in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of such torture.

Legislative History

H.R. 4309 was introduced in the House by Mr. Smith of New Jersey and 15 cosponsors on July 22, 1998. The bill was referred to the Committee on International Relations, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

The Committee on International Relations met to consider H.R. 4309 on August 6, 1998 and ordered the bill reported to the House, amended, by voice vote.

On September 10, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on International Relations indicating that, based on an agreement reached between the two Committees, and in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek an extension of its referral of H.R. 4309, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation, with the understanding that the International Relations Committee would make certain amendments to the measure when it was brought to the House floor.

On September 10, 1998, the Chairman of the Committee on International Relations sent a letter to the Chairman of the Committee on Commerce confirming the agreement reached between the two Committees on H.R. 4309 and acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to this bill, and stating that a Manager's Amendment would be offered on the House floor to address the Commerce Committee's concerns.

The Committee on International Relations reported H. R. 4309 to the House on September 14, 1998 (H. Rpt. 105-709, Part I). On September 14, 1998, the referral of H.R. 4309 to the Committee on Commerce was extended for a period ending not later than September 14, 1998. Subsequently, on September 14, 1998, the Committee on Commerce was discharged from further consideration of H.R. 4309.

The House considered H.R. 4309 under Suspension of the Rules on September 14, 1998, and passed the bill, amended, by a voice vote.

On September 15, 1998, H.R. 4309 was received in the Senate. On October 8, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 4309 and passed the bill, amended.

H.R. 4309 was returned to the House on October 8, 1998. The House considered H.R. 4309 under Suspension of the Rules on October 10, 1998, and agreed to the Senate amendment to H.R. 4309 by a voice vote, clearing the measure for the President.

H.R. 4309 was presented to the President on October 20, 1998. The President signed H.R. 4309 into law on October 30, 1998 (Public Law 105-320).

ANTIMICROBIAL REGULATION TECHNICAL CORRECTIONS ACT OF 1998

Public Law 105-324 (H.R. 4679)

To amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

Summary

When the Food Quality Protection Act of 1996 (FQPA) was enacted, regulatory authority over certain specialty chemicals called "antimicrobials" that are used in food contact applications was unintentionally transferred from the Food and Drug Administration (FDA) to the Environmental Protection Agency (EPA).

H.R. 4679 restores the pre-FQPA-enactment regulatory authority of the FDA over antimicrobials to the agency. As such, it is strictly a technical corrections measure that does not represent a change in FQPA policy or a weakening of the environmental safeguards in FQPA. It does not remove any use of a substance from regulation as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These substances would continue to be subject to registration by EPA under FIFRA in addition to the traditional FDA review for food additives.

Legislative History

H.R. 4679 was introduced in the House by Mr. Bliley on October 2, 1998. The bill was referred solely to the Committee on Commerce.

The House considered H.R. 4679 under Suspension of the Rules on October 7, 1998, thereby discharging the Committee on Commerce from further consideration of H.R. 4679. The House passed H.R. 4679 by a voice vote.

On October 8, 1998, H.R. 4679 was received in the Senate and read twice. On October 9, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 4679, and passed the bill, without amendment, clearing the measure for the President.

H.R. 4679 was presented to the President on October 20, 1998. The President signed H.R. 4679 into law on October 30, 1998 (Public Law 105-324).

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

Public Law 105-340 (S. 1722, H.R. 4683)

To amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Summary

The purpose of Public Law 105-340 is to amend the Public Health Service (PHS) Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

Title I of Public Law 105-340 deals with women's health research programs at NIH. It amends section 403A of the PHS Act to extend the research program on DES (diethylstilbestrol), a drug widely prescribed to American women from 1938 to 1971 which has been shown to be harmful to pregnant women and their children. Title I also establishes a national program, through the Public Health Service agencies, for education of health professionals and the public with respect to DES.

Title I amends section 409A(d) of the PHS Act to extend the research program on osteoporosis, Paget's disease, and related bone disorders at the National Institute for Arthritis and Musculoskeletal and Skin Diseases; and amends section 417B(b)(1) of the PHS Act to extend the research programs for basic and clinical research and education efforts with respect to cancer, breast cancer, and ovarian and related cancer.

Title I adds a new Section 424A to the PHS Act to expand, intensify, and coordinate research and related activities with respect to heart attack, stroke, and other cardiovascular diseases in women at the National Heart, Lung, and Blood Institute.

Title I also amends section 445H of the PHS Act to extend the research programs at the National Institute on Aging, including research into the aging processes of women, with particular emphasis given to the effects of menopause and the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.

Finally, Title I amends section 486(d) of the PHS to allow the Director of NIH to make appointments to the Advisory Committee on Research on Women's Health.

Title II of Public Law 105-340 deals with women's health initiatives at CDC. It amends section 306(n) of the PHS Act to extend the authority for statistical and epidemiological activities conducted by the National Center for Health Statistics, the Federal government's principal health statistical agency.

Title II amends section 399L of the PHS Act to extend the National Cancer Registries Program which provides for the development of a comprehensive national cancer database for analysis of the cancer burden in the United States on a State, regional and national population basis.

Title II also amends section 1501 of the PHS Act to extend the National Breast and Cervical Cancer Early Detection Program

which provides for regular screening for breast and cervical cancers to underserved women, prompt follow-up if necessary, and assurance that the tests are performed in accordance with current recommendations for quality assurance.

Finally, Title II amends section 1706 of the PHS Act to extend authorizations for grants to academic health institutions to establish centers for research and demonstration of health promotion and disease prevention.

Legislative History

S. 1722 was introduced in the Senate by Mr. Frist and 27 cosponsors on March 6, 1998. The bill was referred to the Senate Committee on Labor and Human Resources.

H.R. 4683, the House companion bill, was introduced by Mr. Bilirakis and 16 cosponsors on October 2, 1998. The bill was referred solely to the Committee on Commerce.

On October 12, 1998, by unanimous consent, the Senate Committee on Labor and Human Resources was discharged from further consideration of S. 1722. By unanimous consent, the Senate, on October 12, 1998, proceeded to the immediate consideration of S. 1722, and passed the bill, amended. S. 1722 was received in the House on October 13, 1998, and referred to the Committee on Commerce.

The House considered S. 1722 under Suspension of the Rules on October 13, 1998, thereby discharging the Committee on Commerce from further consideration of S. 1722. The House passed S. 1722 by a roll call vote of 401 yeas to 1 nay, clearing the measure for the President.

S. 1722 was presented to the President on October 22, 1998. The President signed S. 1722 into law on October 31, 1998 (Public Law 105-340).

CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT

Public Law 105-357 (H.R. 3633)

To amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

Summary

Public Law 105-357 amends the Controlled Substances Import and Export Act to prohibit U.S. residents from importing into the United States a non-schedule I controlled substance exceeding 50 dosage units if they: (1) enter the United States through an international land border; and (2) do not possess a valid prescription or documentation verifying such a prescription.

In addition, H.R. 3633 declares that such Federal requirement does not limit any State from imposing additional requirements.

Legislative History

H.R. 3633 was introduced in the House by Mr. Chabot and nine cosponsors on April 1, 1998. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce.

Within the Committee on Commerce, H.R. 3633 was referred to the Subcommittee on Health and Environment.

The Committee on the Judiciary considered H.R. 3633 on May 20, 1998, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on the Judiciary reported H.R. 3633 to the House on July 16, 1998 (H. Rpt. 105-629, Part 1). On July 16, 1998, the referral of H.R. 3633 to the Committee on Commerce was extended for a period ending not later than July 16, 1998. Subsequently, on July 16, 1998, the Committee on Commerce was discharged from further consideration of H.R. 3633.

The House considered H.R. 3633 under Suspension of the Rules on August 3, 1998, and passed the bill, amended, by a voice vote.

On August 31, 1998, H.R. 3633 was received in the Senate and read twice. On October 20, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 3633 and passed the bill, without amendment, clearing the measure for the President.

H.R. 3633 was presented to the President on November 2, 1998. The President signed H.R. 3633 into law on November 10, 1998 (Public Law 105-357.)

RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1998

Public Law 105-369 (H.R. 1023)

To provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

Summary

H.R. 1023 establishes within the Treasury the Ricky Ray Hemophilia Relief Fund, which shall then be terminated five years after enactment of this Act. The bill mandates a single payment of $100,000 from the fund to an individual who became infected with the human immunodeficiency virus (HIV) if the individual had any blood-clotting disorder and was treated with blood-clotting agents between July 1, 1982, and December 31, 1987, is the lawful current or former spouse of such an individual, or acquired the HIV infection from a parent who is such an individual. H.R. 1023 also states that such payments shall not be considered as income or resources in determining eligibility for, or the amount of, Supplemental Security Income (SSI) benefits.

Legislative History

H.R. 1023 was introduced in the House by Mr. Goss and 152 cosponsors on March 11, 1997. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce and the Committee on Ways and Means. Within the Committee on Commerce, H.R. 1023 was referred to the Subcommittee on Health and Environment.

The Committee on the Judiciary considered H.R. 1023 on October 29, 1997, and ordered the bill reported to the House, amended, by a voice vote. The Committee on the Judiciary reported H.R. 1023 to the House on March 25, 1998 (H. Rpt. 105-465, Part 1). On

March 25, 1998, the referral of H.R. 1023 to the Committee on Commerce and the Committee on Ways and Means was extended for a period ending not later than June 2, 1998.

The Committee on Ways and Means met in open markup session to on April 22, 1998, to consider H.R. 1023 and ordered the bill reported to the House, amended, by a voice vote. The Committee on Ways and Means reported H.R. 1023 to the House on May 7, 1998 (H. Rpt. 105-465, Part 2).

On May 12, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicating that, in order to expedite consideration, the Committee on Commerce would waive its right to mark up H.R. 1023 and agree to be discharged from further consideration, without prejudicing its future jurisdiction with respect to H.R. 1023. On May 13, 1998, pursuant to Clause 5 of Rule X, the Committee on Commerce was discharged from further consideration of H.R. 1023.

The House considered H.R. 1023 under Suspension of the Rules on May 19, 1998, and passed the bill, amended, by a voice vote.

On May 20, 1998, H.R. 1023 was received in the Senate, read twice, and referred to the Senate Committee on Labor and Human Resources. On June 16, 1998, H.R. 1023 was referred a second time to the Senate Committee on Labor and Human Resources.

The Senate Committee on Labor and Human Resources met to consider H.R. 1023 on September 23, 1998, and ordered the bill reported to the Senate. The Senate Committee on Labor and Human Resources reported H.R. 1023 to the Senate on October 7, 1998 (No Written Report).

On October 21, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1023, and passed the bill, without amendment, clearing the measure for the President.

H.R. 1023 was presented to the President on November 2, 1998. The President signed H.R. 1023 into law on November 12, 1998 (Public Law 105-369).

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Public Law 105-392 (S. 1754)

To amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

Summary

The Health Professions Education Partnerships Act of 1998 reauthorizes and consolidates 44 different Federal health professions training programs currently authorized under Title VII and Title VIII of the Public Health Service Act. These 44 programs are consolidated into 7 general and flexible categories of authorities which are designed to train health practitioners most inclined to enter practice in rural and other medically underserved areas. The seven general authorities provide support for: (1) the training of underrepresented minority and disadvantaged health professions students; (2) the training of primary care and dental providers; (3) the establishment and operation of interdisciplinary, community-based

training activities; (4) health professions work force information and analysis; (5) public health workforce development; (6) nursing education; and (7) student financial assistance.

Legislative History

S. 1754 was introduced in the Senate by Mr. Frist and five cosponsors on March 12, 1998. The bill was referred to the Senate Committee on Labor and Human Resources.

The Senate Committee on Labor and Human Resources met to consider S. 1754, on April 1, 1998, and ordered the bill reported to the Senate, amended. The Senate Committee on Labor and Human Resources reported S. 1754 to the Senate on June 23, 1998 (S. Rpt. 105-220).

On July 31, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 1754, and passed the bill.

On August 3, 1998, S. 1754 was received in the House and held at the desk. On October 13, 1998, the House considered S. 1754 under Suspension of the Rules, and passed the bill, amended, by a roll call vote of 303 yeas to 102 nays. On October 14, 1998, S. 1754 was returned to the Senate.

On October 14, 1998, by unanimous consent, the Senate agreed to the House amendment to S. 1754, clearing the measure for the President.

S. 1754 was presented to the President on November 2, 1998. The President signed S. 1754 into law on November 13, 1998 (Public Law 105-392).

DECLARING ROANOKE, VIRGINIA, AS THE OFFICIAL SITE OF THE NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL SERVICE

(H. Con. Res. 171)

Declaring the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Service.

Summary

H. Con. Res. 171 declares the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Service, which will honor emergency medical services personnel who have died in the line of duty. The concurrent resolution also provides that nothing in this resolution shall be construed to place the National Emergency Medical Services Memorial Service under Federal authority or to require any expenditure of Federal funds.

Legislative History

H. Con. Res. 171 was introduced in the House by Representatives Goodlatte and Goode on October 21, 1997. The bill was referred solely to the Committee on Commerce.

On May 12, 1998, the Subcommittee on Health and Environment met in open markup session to consider H. Con. Res. 171, and approved the bill for Full Committee consideration, without amendment, by a voice vote.

The Full Committee met in open markup session on May 14, 1998, to consider H. Con. Res. 171, and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being

present. The Committee on Commerce reported H. Con. Res. 171 to the House on May 18, 1998 (H. Rpt. 105-539).

The House considered H. Con. Res. 171 under Suspension of the Rules on May 19, 1998, and passed the bill, amended, by a voice vote.

On May 20, 1998, H. Con. Res. 171 was received in the Senate. On May 21, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H. Con. Res. 171 and agreed to the resolution.

SENSE OF THE HOUSE WITH RESPECT TO WINNING THE WAR ON DRUGS TO PROTECT OUR CHILDREN

(H. Res. 423)

Expressing the sense of the House with respect to winning the war on drugs to protect our children.

Summary

H. Res. 423 is a resolution expressing the sense of the House of Representatives with respect to winning the war on drugs. The resolution expresses the commitment of the House to create a drug-free America, and urges Members of the House to work to energize children, parents, teachers, and law enforcement personnel to commit to protect children from the dangers of drugs. Further, the resolution declares that the U.S. will focus on deterring the demand of illegal drugs, stopping the supply of drugs into the country, and increasing personal accountability.

Legislative History

H. Res. 423 was introduced in the House by Mr. Hastert and 46 cosponsors on May 7, 1998. The resolution was referred solely to the Committee on Commerce.

On May 11, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicating that, in order to expedite consideration, the Committee would waive its right to mark up H. Res. 423, provided that such action does not prejudice the Committee's jurisdictional prerogatives with respect to this legislation.

The House considered H. Res. 423 under Suspension of the Rules on May 12, 1998, and passed the resolution by a roll call vote of 412 yeas to 2 nays.

SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE IMPORTANCE OF MAMMOGRAMS AND BIOPSIES IN THE FIGHT AGAINST BREAST CANCER

(H. Res. 565)

Expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer.

Summary

H. Res. 565 expresses the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer. According to the General Accounting Office,

breast cancer is the most commonly diagnosed nonskin cancer and the second leading cause of cancer deaths among American women. Experts estimate that during the 1990s as many as 1.8 million women will be diagnosed with breast cancer, and 500,000 will die from it. Mammograms and biopsies are the chief method of identifying breast cancer in its early stages.

H. Res. 565 expresses the importance of American women, community organizations, health care providers, and the Federal government taking an active role in the fight against breast cancer.

Legislative History

H. Res. 565 was introduced in the House by Mr. Bass and 135 cosponsors on October 1, 1998. The resolution was referred solely to the Committee on Commerce.

The House considered H. Res. 565 under Suspension of the Rules on October 8 and October 9, 1998, thereby discharging the Committee on Commerce from further consideration of H. Res. 565. On October 9, 1998, the House passed H. Res. 565 by a roll call vote of 424 yeas to 0 nays.

RESOLUTION RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

(H. Res. 212)

Recognizing suicide as a national problem, and for other purposes.

Summary

H. Res. 212 declares that the House of Representatives recognizes suicide as a national problem and declares suicide prevention to be a national priority. The resolution acknowledges that no single prevention program will be appropriate for all populations or communities. In addition, H. Res. 212 encourages certain initiatives, including the development and the promotion of accessibility and affordability of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of stigma.

Legislative History

H. Res. 212 was introduced in the House by Mr. Lewis of Georgia and 22 cosponsors on July 31, 1997. The resolution was referred solely to the Committee on Commerce.

On October 9, 1998, the House considered H. Res. 212 under Suspension of the Rules, thereby discharging the Committee on Commerce from further consideration of H. Res. 212. On October 9, 1998, the House passed H. Res. 212 by a voice vote.

PROHIBITION ON THE EXPENDITURE OF FEDERAL FUNDS FOR THE NEEDLE EXCHANGE PROGRAM

(H.R. 3717)

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

Summary

H.R. 3717 amends Part B of Title II of the Public Health Service Act by adding a new section 247. New section 247 prohibits the use of Federal funds to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

H.R. 3717 also repeals section 506 of Public Law 105-78, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, relating to needle exchange programs.

Legislative History

H.R. 3717 was introduced in the House by Mr. Solomon and four cosponsors on April 23, 1998. The bill was referred solely to the Committee on Commerce.

On April 27, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicating that, in order to expedite consideration, the Committee would waive its right to mark up H.R. 3717, provided that such action would not prejudice the Committee's jurisdictional prerogatives with respect to the legislation.

On April 28, 1998, the Committee on Rules met and granted a rule providing for the consideration of H.R. 3717. The rule was filed in the House as H. Res. 409. The House passed H. Res. 409 on April 29, 1998, by a voice vote. The House considered H.R. 3717 on April 29, 1998, and passed the bill, without amendment, by a roll call vote of 287 yeas to 140 nays.

On April 30, 1998, H.R. 3717 was received in the Senate. On May 7, 1998, H.R. 3717 was read for the first time. On May 8, 1998, the bill was read for a second time and placed on the Senate Calendar. No further action on H.R. 3717 occurred in the 105th Congress.

PATIENT PROTECTION ACT OF 1998

(H.R. 4250)

To provide new patient protections under group health plans.

Summary

H.R. 4250, the Patient Protection Act of 1998, amends the Public Health Service Act, the Employee Retirement Income Security Act (ERISA), and the Internal Revenue Code to define standards and health benefit plans. First, the legislation lifts "gag rules" placed on medical providers to allow for open communications between patients and physicians in order to allow the patient to make fully-informed decisions concerning the patient's medical condition and optimal course of treatment. The legislation prohibits health plans from restricting physicians from giving advice to a patient about health status or medical treatments regardless of whether the health plan covers the treatment.

The legislation requires group health plans and health insurers to cover emergency medical screening examinations without prior preauthorization if a "prudent layperson" with average knowledge would consider the situation an emergency. This provision does not prohibit group health plans or insurance insurers from imposing

any form of cost-sharing for emergency services if the cost-sharing is uniformly applied.

The legislation requires group health plans and insurers that cover routine gynecological or obstetric care by a participating specialist to allow female enrollees to receive Ob/Gyn treatment without referral by the primary care provider. The legislation also requires health plans and insurers that cover routine pediatric care to allow the parent to designate a participating pediatric specialist as the primary care provider.

H.R. 4250 requires the administrators of group health plans to ensure that the summary plan descriptions available to participants describe: (1) covered health benefits; (2) plan coverage for emergency medical care; (3) plan benefits for preventive services; (4) coverage of prescription drugs; and (5) available COBRA benefits. In addition, the bill requires summary plan descriptions to explain the financial responsibility of participants.

The legislation requires group plans to provide written notice to a participant of any negative coverage decision on requested benefits under the plan within 30 days of the request. If the request is for urgent medical care, the plan must provide the notice within ten days; for emergencies, the requirement is 72 hours. If an internal appeal results in another coverage denial, the participant may make a request within 30 days for an external review, which must be conducted by one or more independent medical experts selected under the plan. If the final decision under the plan is an adverse coverage decision, then the participant has recourse to the courts. This legislation establishes civil penalties for group health plans that do not provide benefits in accordance with the plan's final decision. In cases in which a physician certifies to a court that the time needed to carry out administrative remedies and procedures for review of coverage denials would run the risk of causing irreparable harm to the health of the participant, the bill permits such participants to take civil action to expedite review.

H.R. 4250 requires all health maintenance organizations (HMOs) to offer a point-of-service (POS) option to all participants. A POS option allows participants to go outside the plan's networks of providers if they agree to a higher premium or copayment requirement. If a plan declines to provide this option, the legislation requires the issuer to provide supplemental coverage outside the network. The bill provides exceptions to the POS requirement if the plan: (1) already covers services that are not provided in the closed network; (2) offers coverage through a HealthMart; or (3) is located in a State that requires the organization to have a separate license in order to offer such an option. If a State determines that a group health plan has made a "good faith" effort to obtain coverage, the POS requirement will not apply.

The bill creates "HealthMarts", private, non-profit organizations that offer health benefit coverage within a defined geographic area, provide administrative services to purchasers, and disseminate information. HealthMarts will generally be constituted by small businesses and their employees, health care providers, and entities that underwrite or administer the coverage of health care benefits. The bill stipulates that these underwriters must be licensed or regulated under State law and must meet State standards of consumer

protection. Policies offered in a HealthMart may waive most State mandated benefits.

In addition, the legislation requires HealthMarts to: (1) make available health benefits at rates that are established by the health insurance issuer; (2) offer the same benefits to all eligible employees in a geographic area; (3) maintain at least 10 purchasers and 100 members by the end of the first year; (4) specify the geographic areas which must encompass at least one county or equivalent area; (5) collect and disseminate consumer-oriented information; and (6) file information with the applicable Federal authority that demonstrates compliance with the bill's requirements.

Finally, H.R. 4250 permits a Community Health Organization (CHO) to offer health insurance coverage in a State in which it is not licensed if the CHO applies for a waiver of the State licensure requirement with the Secretary of Health and Human Services (the Secretary) by November 1, 2003, and the Secretary determines that grounds for a waiver have been met. The application may be waived if: (1) the State failed to complete action on a licensing application within 90 days; (2) the waiver application was denied to the CHO, but was approved for a similar entity; and (3) the State denied the waiver on the basis of solvency requirements different from those of the Secretary. In order to qualify for a waiver, the CHO must assume full financial risk of covering health services. The legislation directs the Secretary to establish a certification process for CHOs to meet the solvency standards.

Legislative History

H.R. 4250 was introduced in the House by Mr. Gingrich and 57 cosponsors on July 16, 1998. The bill was referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Government Reform and Oversight.

On July 21, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicating that, in order to expedite consideration, the Committee would waive its right to mark up H.R. 4250, provided that such action would not prejudice the Commerce Committee's jurisdictional prerogatives with respect to the legislation.

On July 24, 1998 (legislative day of July 23, 1998), the Committee on Rules met and granted a rule providing for the consideration of H.R. 4250. The rule was filed in the House as H. Res. 509. The House passed H. Res. 509 on July 24, 1998, by a roll call vote of 279 yeas to 143 nays. The House considered H.R. 4250 on July 24, 1998, and passed the bill, amended, by a roll call vote of 216 yeas to 210 nays.

On July 28, 1998, H.R. 4250 was received in the Senate and read the first time. On July 29, 1998, H.R. 4250 was read a second time and placed on the Senate Calendar.

On October 9, 1998, a motion to proceed to the consideration of H.R. 4250 was made in the Senate. The motion to proceed to the consideration of H.R. 4250 was tabled by a roll call vote of 50 yeas to 47 nays.

No further action was taken by the Senate on H.R. 4250 in the 105th Congress.

DRUG DEMAND REDUCTION ACT

(H.R. 4550)

To provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse thorough reducing the demand for illegal drugs and the inappropriate use of legal drugs.

Summary

H.R. 4550 establishes programs to significantly reduce the incidence of substance abuse through restricting the demand for illegal drugs and the improper use of legal drugs. The bill also provides grants to support the efforts of parent organizations to develop and promote efforts to reduce illegal drug use among children in their communities, incentives for the approval of anti-addiction drugs, and medical education through health professionals to prevent, diagnose, and treat substance abuse cases.

Legislative History

H.R. 4550 was introduced by Mr. Portman and eleven cosponsors on September 11, 1998. The bill was referred to the Committee on Commerce, and in addition to the Committee on Government Reform and Oversight, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Education and the Workforce.

On September 14, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicating that, in order to expedite consideration, the Committee would waive its right to mark up H.R. 4550, provided that such action would not prejudice the Committee's jurisdictional prerogatives with respect to the legislation.

The Committee on Rules met on September 15, 1998, and granted a rule providing for the consideration of H.R. 4550. The rule was filed in the House as H. Res. 538. The House passed H. Res. 538 on September 16, 1998 by a voice vote. The House considered H.R. 4550 on September 16, 1998 and passed the bill, amended, by a roll call vote of 396 yeas to 9 nays.

On September 17, 1998, H.R. 4550 was received in the Senate, read twice, and referred to the Senate Committee on the Judiciary. No further action was taken by the Senate on H.R. 4550 in the 105th Congress.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1997

(H.R. 1276)

To authorize appropriations for fiscal years 1998 and 1999 for the research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes.

Summary

H.R. 1276, the Environmental Research, Development, and Demonstration Authorization Act of 1997, was referred to the Committee on Science and the Committee on Commerce.

H.R. 1276, as reported to the House by the Committee on Science, authorized appropriations for Fiscal Year 1998 and 1999 for research, development, and demonstration programs of the Environmental Protection Agency (EPA) within the Office of Research and Development. The bill provided $639,580,500 for Fiscal Year 1998 and $658,077,600 for Fiscal Year 1999. In addition, H.R. 1276 provided authorizations for pesticide registration and reregistration activities, placed limitations on certain environmental research and development projects, authorized funds for transboundary pollution research, required a strategic plan for environmental research activities, and contained provisions respecting graduate student fellowships, provided reporting requirements for the Science Advisory Board, placed limitations on lobbying activities, provided for notice of reprogramming and restructuring activities by EPA, contained a Sense of Congress resolution on the year 2000 problem and contained a Sense of Congress resolution on certain "Buy American" provisions.

H.R. 1276, as reported to the House by the Committee on Commerce, deletes the provisions of H.R. 1276, as reported by the Committee on Science, for which there were existing authorizations within the sole jurisdiction of the Commerce Committee. In addition, H.R. 1276, as reported by the Committee on Commerce, limits other authorizations contained in H.R. 1276 to "environmental research and development activities not authorized under other authority of law" and confines the duties of the Assistant Administrator for Research and Development, contained in section 4 of H.R. 1276, to "research and development" planning activities.

Legislative History

H.R. 1276 was introduced by Mr. Calvert on April 10, 1997. The bill was referred solely to the Committee on Science.

The Committee on Science considered H.R. 1276 on April 16, 1997, and ordered the bill reported to the House, amended, by a voice vote. The Committee on Science reported H.R. 1276 to the House on May 16, 1997 (H. Rpt. 105-99, Part 1). On May 16, 1997, H.R. 1276 was referred, sequentially, to the Committee on Commerce, for a period ending not later than June 20, 1997. On June 20, 1997, the referral of H.R. 1276 to the Committee on Commerce was extended for a period ending not later than June 26, 1997.

The Full Committee met in open markup session on June 25, 1997, and by unanimous consent, proceeded to the immediate consideration of H.R. 1276. The Full Committee ordered H.R. 1276 reported to the House, amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1276 to the House on June 26, 1997 (H. Rpt. 105-99, Part 2).

No further action was taken on H.R. 1276 in the 105th Congress.

MEDICAL DEVICE REGULATORY MODERNIZATION ACT OF 1997

(H.R. 1710)

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. 1710 amends the Federal Food, Drug, and Cosmetic Act to improve the Food and Drug Administration's (FDA's) regulation of medical devices in order to keep pace with medical innovation and enhance patient access. H.R. 1710 establishes procedures for the expedited review of breakthrough devices, and expanding the humanitarian use of devices by creating specific exemptions and allowances in emergency situations. Also, in order to assist FDA in meeting time lines for product application reviews, H.R. 1710 establishes procedures for the accreditation of third-party reviewers to review certain 510(k) premarket notification submissions and to make recommendations regarding the initial classification of devices. This will allow FDA to redirect its resources to priority, high-risk devices, while maintaining the critical review of products before they enter the marketplace.

Legislative History

On April 30, 1997, the Subcommittee on Health and Environment held an oversight hearing on Medical Devices: Technological Innovation and Patient/Provider Perspectives. The Subcommittee received testimony from representatives of the Food and Drug Administration and State and university hospitals.

On May 22, 1997, H.R. 1710, the Medical Device Regulatory Modernization Act of 1997, was introduced in the House by Mr. Barton and 39 cosponsors. The bill was referred solely to the Committee on Commerce.

On September 17, 1997, the Subcommittee on Health and Environment met in open markup session and approved H.R. 1710 for Full Committee consideration, amended, by a voice vote.

On September 26, 1997, the Full Committee met in open markup session and ordered H.R. 1710 reported to the House, amended, by a voice vote, a quorum being present. On October 6, 1997, the Committee on Commerce reported H.R. 1710 to the House (H. Rpt. 105-307).

On October 7, 1997, the House considered H.R. 1411 under Suspension of the Rules and passed the bill, amended, by a voice vote. As passed by the House, H.R. 1411 included the provisions of three separate bills reported by the Committee on Commerce: (1) H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997; (2) H.R. 2469, the Food and Nutrition Information Reform Act of 1997; and (3) H.R. 1710, the Medical Device Regulatory Modernization Act of 1997.

On October 7, 1997, the House, by unanimous consent, took S. 830 from the desk and passed the bill after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 1411,

as passed by the House. Subsequently, on October 7, 1997, H.R. 1411 was laid on the table.

No further action was taken on H.R. 1710 in the 105th Congress. However, provisions of H.R. 1710 were enacted into law in Title II of Public Law 105-115. For the legislative history of that law, see the discussion of the Food and Drug Administration Modernization Act of 1997 in this section.

FOOD AND NUTRITION INFORMATION REFORM ACT OF 1997

(H.R. 2469)

To amend the Federal Food, Drug, and Cosmetic Act and other statutes to provide for improvements in the regulation of food ingredients, nutrient content claims, and health claims, and for other purposes.

Summary

The purpose of H.R. 2469, the Food and Nutrition Information Reform Act of 1997, is to enhance consumer knowledge of the health benefits of foods and food treatments, to reduce decision making times, and to improve the processes by which information can be communicated to consumers that will enable them to adopt more healthful diets.

H.R. 2469 amends the existing statutory and regulatory requirements on the labeling of food products to expand consumer access to important dietary information. The bill also streamlines the procedures available for the Secretary of Health and Human services (the Secretary) to permit more scientifically sound nutrition information to be provided to consumers through health and nutrient content claims. This process is triggered by authoritative statements of entities such as the National Institutes of Health, the Centers for Disease Control and Prevention, and the National Academy of Sciences.

H.R. 2469 also establishes a notification process for the regulation of components of food packaging, known as food contact substances, which is intended to expedite authorization of the marketing of a food contact substance except where the Secretary determines that submission and review of a food additive petition is necessary to provide adequate determination of safety, and authorizes appropriations to finance the costs of the new notification process.

Legislative History

On September 11, 1997, H.R. 2469, the Food and Nutrition Information Reform Act, was introduced in the House by Mr. Whitfield and 14 cosponsors. The bill was referred solely to the Committee on Commerce.

On September 17, 1997, the Subcommittee on Health and Environment met in open markup session and approved H.R. 2469 for Full Committee consideration, amended, by a voice vote.

On September 25, 1997, the Full Committee met in open markup session and ordered H.R. 2469 reported to the House, amended, by a roll call vote of 43 yeas to 0 nays. On October 6, 1997, the Committee on Commerce reported H.R. 2469 to the House (H. Rpt. 105-306).

On October 7, 1997, the House considered H.R. 1411 under Suspension of the Rules and passed the bill, amended, by a voice vote. As passed by the House, H.R. 1411 included the provisions of three separate bills reported by the Committee on Commerce: (1) H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997; (2) H.R. 2469, the Food and Nutrition Information Reform Act of 1997; and (3) H.R. 1710, the Medical Device Regulatory Modernization Act of 1997.

On October 7, 1997, the House, by unanimous consent, took S. 830 from the desk and passed the bill after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 1411, as passed by the House. Subsequently, on October 7, 1997, H.R. 1411 was laid on the table.

No further action was taken on H.R. 2469 in the 105th Congress. However, provisions of H.R. 2469 were enacted into law in Title III of Public Law 105-115. For the legislative history of that law, see the discussion of the Food and Drug Administration Modernization Act of 1997 in this section.

PATIENT ACCESS TO RESPONSIBLE CARE ACT OF 1997

(H.R. 1415)

To amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers.

Summary

H.R. 1415 amends the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for group health plans and health insurance issuers in dealing with enrollees, health professionals, and providers. The bill requires health insurance carriers to ensure that (1) covered items are available and accessible to each enrollee; and (2) emergency services are available and covered under health plans.

The bill also requires insurers to permit enrollees the option to select a health professional, to cover nonparticipating health care providers, avoid enrollee burden from cost control measures, ensure access to specialists, and provide for continuity and continuation of care. H.R. 1415 prohibits issuers from discriminating against enrollees on the basis of certain, specified factors.

H.R. 1415 requires insurers to disclose certain information to enrollees and potential enrollees, comply with Federal and State confidentiality laws, meet State solvency laws and regulations, and establish quality enhancement measures.

Legislative History

H.R. 1415 was introduced in the House by Mr. Norwood and 63 cosponsors on April 23, 1997. The bill was referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Health and Environment.

The Subcommittee on Health and Environment held a hearing on managed care quality on October 28, 1997, which focused on H.R.

1415, the Patient Access to Responsible Care Act of 1997. Witnesses included the Director of the Agency for Health Care Policy Research and representatives of managed care plans and patient advocates.

No further action was taken on H.R. 1415 in the 105th Congress.

HEALTH INSURANCE BILL OF RIGHTS ACT OF 1997

(H.R. 820)

To amend title XXVII of the Public Health Service Act to establish standards for the protection of consumers in managed care plans and other health insurance coverage.

Summary

H.R. 820 amends the Public Health Service Act and the Employee Retirement Income Security Act to establish consumer protection standards for group health plans and health insurance issuers.

Specifically this legislation requires the following: (1) emergency services (if covered) must be provided without prior-authorization restrictions according to the prudent layperson standard; (2) a female enrollee may designate an obstetrician or gynecologist as her primary care provider and may receive routine care from this provider without prior-authorization or referral; (3) enrollees undergoing a course of treatment from a provider must be allowed to continue that course of treatment for a limited time if the provider is discharged (for other than quality reasons) from the network; (4) plans that use a restrictive drug formulary must have a process for providing exceptions from the formulary when medically indicated; (5) insurers must maintain a quality assurance and improvement program; (6) plans must collect and report to beneficiaries uniform, standardized quality data; (7) plans must maintain a written process for selecting and credentialing participating providers; (8) plans must maintain a drug utilization review program that monitors drug use and incidence of adverse reactions; (9) plans that conduct utilization review must do so in accordance with reasonable standards; (10) plans must maintain a grievance and appeals system; (11) plans may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which care is provided.

H.R. 820 also prohibits agreements between insurers and providers from: (1) restricting the provider from engaging in medical communications with a patient; or (2) transferring to the provider any liability relating to actions or omissions of the issuer or agent, imposing strict requirements on physician incentive plans.

Legislative History

H.R. 820 was introduced in the House by Mr. Dingell on February 25, 1997. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Health and Environment held a hearing on managed care quality on October 28, 1997, which focused on H.R. 820, the Health Insurance Bill of Rights Act of 1997. Witnesses in-

cluded the Director of the Agency for Health Care Policy Research and representatives of managed care plans and patient advocates.

No further action was taken on H.R. 820 in the 105th Congress.

REFORMULATED GAS PROGRAM IN CALIFORNIA

(H.R. 630)

To amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State.

Summary

H.R. 630 amends section 211 of the Clean Air Act to provide that California reformulated gasoline rules would apply in areas of California which are now considered "covered" areas under the Federal reformulated gasoline (RFG) program. These areas are San Diego, Los Angeles, and Sacramento. Under H.R. 630, California reformulated gasoline rules would apply "in lieu" of Federal reformulated gasoline rules if certain conditions are met. These conditions are that the California rules achieve equivalent or greater emission reductions than the requirements of section 211(k) of the Clean Air Act (*e.g.*, the formula and performance standards regarding Federal RFG composition) with respect to the aggregate mass of emissions of toxic air pollutants and in the case of the aggregate mass of emissions of ozone-forming compounds.

Legislative History

H.R. 630 was introduced in the House by Mr. Bilbray and eleven cosponsors on February 6, 1997. The bill was referred solely to the Committee on Commerce.

On April 22, 1998, the Subcommittee on Health and Environment held a hearing on H.R. 630. The Subcommittee received testimony from a Member of Congress and representatives of the Environmental Protection Agency, the Department of Energy, the California Air Resources Board, oil refiners, petroleum marketers, boat manufacturers, and organizations representing producers of methyl tertiary butyl ether-based and ethanol-based oxygenated fuels.

No further action was taken on H.R. 630 in the 105th Congress.

HIV PARTNER PROTECTION ACT

(H.R. 4431)

To amend title XXVI of the Public Health Service Act to provide for State programs of partner notification with respect to individuals with HIV disease.

Summary

Under current law, in order to be eligible for Ryan White funding, States are required to have an HIV spousal notification program that would include all present and past spouses. Essentially, H.R. 4431 expands that requirement to include all past and present partners who may have been exposed to the deadly virus.

H.R. 4431 requires a physician to confidentially report positive test results to the State public health officer and any other infor-

mation necessary for carrying out a system of partner notification, as is presently done for diseases such as syphilis. The State then advises the partner who may have been infected to seek testing, counseling, and possible treatment. At no time, however, does the State reveal the identity of the original person who may have exposed others to the disease.

When notifying a partner who may have been infected, the State health officer must also offer referrals for testing and counseling. The counseling must include information on the modes of transmission of HIV, information on the prevention of prenatal and perinatal transmission of the disease, and information about therapeutic measures which prevent the deterioration of the immune system. Notifications should be done in person unless doing so is an unreasonable burden on the State.

H.R. 4431 provides no criminal or civil penalty if the person who originally tested positive refuses to identify his or her partners, and also provides that there would be no criminal or civil penalty against a person who in good faith makes errors in submitting reports or making disclosures. Finally, if a State fails to notify a person who may have been infected, the physician could not be held liable.

Lastly, the bill authorizes $10 million in order to assist States and local health departments carry out the provisions of this legislation. It also prevents insurance companies from discriminating against anyone who may have been tested for HIV under this program.

Legislative History

H.R. 4431 was introduced in the House by Representatives Ackerman and Coburn on August 6, 1998. The bill was referred solely to the Committee on Commerce.

On September 29, 1998, the Subcommittee on Health and Environment held a hearing on H.R. 4431. Witnesses included Members of Congress, the Director of the Centers for Disease Control and Prevention, State and local health officials, and private citizens.

No further action was taken on H.R. 4431 in the 105th Congress.

OVERSIGHT OR INVESTIGATIVE ACTIVITIES

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' PROPOSED BUDGET FOR FISCAL YEAR 1998

On February 12, 1997, the Subcommittee on Health and Environment held an oversight hearing on the Department of Health and Human Services' Proposed Budget for Fiscal Year 1998. The hearing focused on funding priorities within the Department of Health and Human Services and the Administration's proposals for reforming the Medicare and Medicaid Programs. Witnesses included representatives of the Health Care Financing Administration and the Congressional Budget Office.

MEDICARE AND MANAGED CARE: PAYMENT AND RELATED ISSUES

On February 27, 1997, the Subcommittee on Health and Environment held an oversight hearing on the Medicare and Managed

Care. The hearing focused on Medicare's rate setting policies for health maintenance organizations and the Administrations proposals to modify those policies. Witnesses included representatives of the Health Care Financing Administration, the General Accounting Office, the Prospective Payment Assessment Commission, and the Physician Payment Review Commission.

MEDICARE HOME HEALTH CARE

The Subcommittee on Health and Environment held an oversight hearing on March 5, 1997, on the Medicare Home Health Program. The purpose of this hearing was to receive testimony on problems in the Medicare Home Health Program, including fraud and abuse, as well as to discuss ways in which the Federal government is trying to curb these excesses. Witnesses included representatives from the Department of Health and Human Services, the General Accounting Office, the Health Care Financing Administration, the Prospective Payment Assessment Commission, and the Medicare Home Health industry.

ASSISTED SUICIDE: LEGAL, MEDICAL, ETHICAL, AND SOCIAL ISSUES

On March 6, 1997, the Subcommittee on Health and Environment held an oversight hearing on Assisted Suicide: Legal, Medical, Ethical, and Social Issues. The hearing examined a wide range of arguments regarding assisted suicide. Testimony was received from religious leaders, medical practitioners, medical ethicists, and representatives of the community of individuals with disabilities.

MEDICAID REFORM: THE GOVERNORS' VIEW

On March 11, 1997, the Subcommittee on Health and Environment held an oversight hearing on Medicaid Reform: The Governors' View. The hearing examined *The Governors' Agenda for the 105th Congress,* which was unanimously adopted by the National Governors' Association (NGA). Among other provisions, the Agenda expressed the NGA recommendations for reforming the Medicaid program. Witnesses testified on behalf of the National Governors' Association, the General Accounting Office, the Physician Payment Review Commission, and the Henry J. Kaiser Family Foundation.

REAUTHORIZATION OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ACT (SAMHSA)

On March 18, 1997, the Subcommittee on Health and Environment held an oversight hearing on the reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA). The Substance Abuse and Mental Health Services Administration (SAMHSA) was created in 1992 to consolidate the Federal government's research and delivery of substance abuse prevention and treatment services, and mental health services. With respect to substance abuse and mental illnesses, SAMHSA supports prevention and early intervention activities; develops, identifies, evaluates, and disseminates policies and service delivery systems which have been shown to have the best outcomes; and attempts to improve access to needed services. The Subcommittee

heard testimony from representatives of SAMHSA, State officials, and national associations.

MEDICARE PROVIDER SERVICE NETWORKS

On March 19, 1997, the Subcommittee on Health and Environment held an oversight hearing on establishing provider-sponsored service organizations (PSOs) under the Medicare program. PSOs are health care entities designed and operated by physicians and hospitals to deliver health care in a more efficient manner by cutting out the administrative costs associated with insurance companies and managed care companies. Although there is substantial agreement that PSOs should be able to participate as Medicare risk contractors, there is a fundamental disagreement on how they should be regulated, particularly with respect to solvency standards. The purpose of this hearing was to hear testimony and provide an initial evaluation of the issues surrounding PSOs. The Subcommittee received testimony from Members of Congress, a State official, and representatives of national associations and health care systems.

REVIEW OF EPA'S REVISIONS TO THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE AND PARTICULATE MATTER

On December 13, 1996, the Environmental Protection Agency (EPA) proposed revisions to the national ambient air quality standards (NAAQS) for ozone and particulate matter. The Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held five joint hearings on EPA's proposed revisions, and one joint hearing on the final revised NAAQS that EPA issued on July 18, 1997. These hearings explored uncertainties in the scientific bases for EPA's revisions and identified significant concerns that had been raised by the Department of Energy, the Department of Commerce, and other Federal agencies. The Subcommittees also heard State and local elected officials express concern regarding EPA's proposed implementation plan for the revised standards.

The Subcommittees' first hearing on April 10, 1997, focused on the scientific bases for the proposed revisions. The Subcommittees received testimony from a scientific expert panel consisting of the current and four former chairmen of the Clean Air Scientific Advisory Committee established under the 1990 amendments to the Clean Air Act. These scientists testified that, in many cases, the scientific assumptions used by EPA were subject to uncertainty and that the new standards relied primarily on epidemiological associations from a limited number of studies using data that had not been released for review by other scientists. The Committee demanded that EPA release the data. As a result of the Committee's efforts, an independent scientific review panel is reviewing these key studies. The results of that reanalysis will be used in EPA's next scheduled 5-year review of the revised standards.

On April 17, 1997, the Subcommittees held a joint hearing on Development of the Regulatory Impact Analysis for EPA's Proposed Revisions. The Subcommittees received testimony from representatives of the Office of Management and Budget (OMB) and EPA.

These officials testified regarding serious questions raised by OMB, the Departments of Energy and Commerce, and other Federal agencies during the internal regulatory review of EPA's proposed revisions.

On May 1, 1997, the Subcommittees held a joint hearing on Perspectives of State and Local Elected Officials. The Subcommittees received testimony from an expert panel of State and local elected officials on impacts associated with EPA's proposed standards and questions as to the legal authority for EPA's proposed implementation plan.

On May 8, 1997, the Subcommittees held a hearing and received testimony from an expert panel regarding the Health Effects of Ozone and Particulate Matter.

On May 15, 1997, the Subcommittees held a joint hearing to receive testimony from EPA Administrator Carol M. Browner regarding the proposed revisions and certain adverse views expressed by other Federal agencies.

On July 18, 1997, EPA published the final revisions to the NAAQS for ozone and particulate matter. Accompanying those final rules was a July 16, 1997, Memorandum from the President to the Administrator of the EPA regarding Implementation of Revised Air Quality Standards for Ozone and Particulate Matter. Based largely on issues raised during the five joint Subcommittee hearings, the Memorandum outlined an alternative, less burdensome approach for implementation of the revised standards.

On October 1, 1997, the Subcommittees held a joint hearing on Implementation of the Clean Air Act NAAQS Revisions for Ozone and Particulate Matter. The Subcommittees received testimony from EPA Administrator Carol M. Browner on EPA's legal authority for the alternative implementation plan. The Subcommittees also received testimony on implementation from an expert panel of State and local officials and representatives of small businesses subject to the revised standards. Because the legal authority for EPA's alternative implementation plan remained uncertain, Congress resolved the ambiguity by incorporating certain elements of the alternative implementation plan in the Transportation Equity Act for the 21st Century (Public Law 105-178).

MEDICARE PREVENTIVE BENEFITS AND QUALITY STANDARDS

On April 11, 1997, the Subcommittee on Health and Environment held an oversight hearing on preventive health benefits in the Medicare Program. The hearing focused on medical tests and screening for Medicare beneficiaries to detect health risks at an early stage of a disease, with an emphasis on diabetes-related illnesses. Witnesses included the Speaker of the House, Members of Congress, and representatives of the General Accounting Office, the American Diabetes Association, the Washington Hospital Center, the American College of Gastroenterology, the American Urological Association, Inc., the American Gastroenterology Association, and Partnership for Prevention.

REAUTHORIZATION OF THE PRESCRIPTION DRUG USER FEE ACT AND FDA REFORM

In preparation for legislative action on the modernization of the Food and Drug Administration, the Subcommittee on Health and Environment held an oversight hearing on April 23, 1997, on the Reauthorization of the Prescription Drug User Fee Act and FDA Reform. This hearing laid the foundation for the eventual passage of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115). Witnesses included representatives of the Food and Drug Administration, the pharmaceutical industry, the National Multiple Sclerosis Society, the Children's Brain Tumor Foundation and the American Academy of Pediatrics, academic experts, and patients.

MEDICAL DEVICES: TECHNOLOGICAL INNOVATION AND PROVIDER PERSPECTIVES

In preparation for legislative action on the modernization of the Food and Drug Administration, the Subcommittee on Health and Environment held an oversight hearing on April 30, 1997, on Medical Devices: Technological Innovation and Patient/Provider Perspectives. This hearing laid the foundation for the eventual passage of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115). The Subcommittee received testimony from representatives of the Food and Drug Administration and State and university hospitals.

REAUTHORIZATION OF TRANSPORTATION-RELATED AIR QUALITY IMPROVEMENT PROGRAMS

On June 18, 1997, the Subcommittee on Health and Environment held an oversight hearing on the Reauthorization of Transportation-Related Air Quality Improvement Programs. The Subcommittee heard testimony regarding the reauthorization of Congestion Mitigation and Air Quality program (CMAQ) and other air quality programs established by the Intermodal Surface Transportation Efficiency Act of 1991. Testimony was received from witnesses representing the Environmental Protection Agency, the Department of Transportation, and national alliances.

TITLE VI OF THE 1990 CLEAN AIR ACT AND THE NINTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL

On July 30, 1997, the Subcommittee on Health and Environment held an oversight hearing on the implementation of Title VI of the Clean Air Act and plans for the Ninth Meeting of the Parties to the Montreal Protocol, held in Montreal in September 1997. The Subcommittee received testimony from representatives of the General Accounting Office (GAO), the Department of State, the Department of Agriculture, and the Environmental Protection Agency.

This hearing focused on a General Accounting Office (GAO) report requested by the Committee on Commerce to review the operation of the Multilateral Fund of the Montreal Protocol. Through 1997, the United States contributed a total of $290 million to the Fund. The GAO report determined that the United States could

save between $2 million to $3 million per year by changing the form of its payments to the Fund.

The hearing also focused on the differential in phaseout schedules applicable to methyl bromide under the Montreal Protocol and the Clean Air Act and plans to address this disparity at the Ninth Meeting of the Parties. Additionally, testimony was received concerning an Advance Notice of Proposed Rulemaking published by the Food and Drug Administration to provide for the elimination of essential use exemptions for chlorofluorocarbon-based metered-dose inhalers. Finally, the hearing addressed the differential in commitments between various Parties to the Montreal Protocol, specifically the lack of ratification of the London and Copenhagen Amendments to the treaty and the lack of reported compliance data indicating that countries had met domestic commitments to phaseout ozone depleting substances.

OVERVIEW OF NATIONAL INSTITUTES OF HEALTH PROGRAMS

On September 30, 1997, the Subcommittee on Health and Environment held an oversight hearing on the National Institutes of Health (NIH). The NIH is the primary agency of the Federal government charged with the conduct and support of biomedical and behavioral research. Components of NIH include 20 institutes and centers, each with a focus on particular diseases or research areas in human health. Witnesses representing various institutes within NIH were the only witnesses.

TRANSBORDER AIR POLLUTION

On November 18, 1997, the Subcommittee on Health and Environment conducted an oversight field hearing in San Diego, California, to assess transborder air pollution, including the impact of emissions from foreign transborder commuter vehicles on air quality. Prior to the hearing, the Subcommittee conducted a site visit to the San Ysidro border crossing, south of San Diego. At the border, Subcommittee Members received a briefing from officials with the U.S. Customs Service, observed vehicles crossing the border and being subject to inspection, and reviewed application of remote sensing technology to measure emissions from vehicles driving past the sensing equipment.

During the hearing, the Subcommittee received testimony from U.S. Customs Service officials, State representatives, and representatives of local citizen and public health organizations. Testimony received indicated that 28 million passenger vehicles and over 900,000 buses and trucks per year utilize southern California ports of entry. At the San Ysidro border crossing alone, an estimated 58,000 vehicles per day cross into the United States, of which an estimated 7,000 may be classified as commuter vehicles. The field hearing focused on the air quality impact of such vehicles on the ozone nonattainment status of the San Diego region and possible actions to lessen this impact.

THE TOBACCO SETTLEMENT

The Subcommittee on Health and Environment held four oversight hearings in a series of hearings held by the Committee and

its subcommittees on the ramifications of the proposed settlement between the Nation's largest tobacco product manufacturers and several State attorneys general. The first hearing, held on December 8, 1997, focused on the allocation of settlement funds between the States and the Medicaid program. The Subcommittee received testimony from representatives of the Health Care Financing Administration, a governor, and State Attorneys General.

On December 9, 1997, the Subcommittee held an oversight hearing on efforts to prevent teen tobacco use. The Subcommittee heard testimony from representatives of the Centers for Disease Control and Prevention and the General Accounting Office; State, Federal, and international law enforcement officials; academic experts; and tobacco wholesalers.

On March 5, 1998, the Subcommittee held an oversight hearing focusing on the views of the public health community on national tobacco policy where the Subcommittee received testimony from representatives of various advocacy groups.

On March 19, 1998, the Subcommittee held an oversight hearing on the views of the public on national tobacco policy, and heard testimony from a panel of witnesses representing minority communities and a panel of teenagers.

PREVENTING THE TRANSMISSION OF THE HUMAN IMMUNODEFICIENCY VIRUS (HIV)

On February 2, 1998, the Subcommittee on Health and Environment held an oversight hearing on preventing the transmission of the Human Immunodeficiency Virus (HIV). The hearing focused on strengthening the nation's ability to detect HIV infection, help infected people live longer, and to prevent the transmission of HIV. Witnesses included representatives of the World Health Organization, State and local health agencies, Women Against Violence, and the AIDS Policy Center for Children, Youth & Families, and private citizens.

CLONING: LEGAL, MEDICAL, ETHICAL, AND SOCIAL ISSUES

On February 12, 1998, the Subcommittee on Health and Environment held an oversight hearing on Cloning: Legal, Medical, Ethical, and Social Issues. The hearing focused on the wide range of arguments regarding human cloning and did not focus on any particular piece of legislation. Witnesses included Members of Congress, religious leaders, academic experts, and representatives of national associations, and medical researchers.

COMMUNITY-BASED CARE FOR AMERICANS WITH DISABILITIES

On March 12, 1998, the Subcommittee on Health and Environment held an oversight hearing on Community-based Care for Americans with Disabilities, which examined some of the Federally-funded services that are provided to Americans with disabilities. In Fiscal Year 1997, the Department of Health and Human Services devoted over $62 billion to programs for people with disabilities. Witnesses included Members of Congress, and representatives of the Department of Health and Human Services, the Health Care Financing Administration, State officials, and advocates for

the disabled, including the National Alliance of the Disabled, Inc. and the Voice of the Retarded.

Disabled persons frequently require personal assistance in everyday activities such as eating, dressing, and bathing. This assistance in the activities of daily living is known as "attendant services." Medicaid and other public programs currently finance some of these services but usually in the context of the disabled person residing in a nursing facility or intermediate care facility.

Several States, however, have experimented with making cash payments directly to beneficiaries, allowing them to hire their own caregivers and to remain at home. Advocates for these programs argue that the programs maximize consumer choice and promote efficiency. Advocates have promoted legislation which would require Medicaid to cover attendant services in the home and other "community-based" settings. This hearing assisted the Committee in its consideration of efforts to increase consumer choice and independent living among the disabled community.

NEW DEVELOPMENTS IN MEDICAL RESEARCH: NIH AND PATIENT GROUPS

On March 26, 1998, the Subcommittee on Health and Environment held an oversight hearing on the National Institutes of Health (NIH), focusing specifically on new developments in medical research. Witnesses included Members of Congress, representatives of NIH, national associations, and research facilities, and private citizens.

THE "GIFT OF LIFE": INCREASING BONE MARROW DONATIONS AND TRANSPLANTATION

On April 23, 1998, the Subcommittee on Health and Environment held a joint hearing with the Senate Committee on Labor and Human Resources Subcommittee on Public Health and Safety on "The Gift of Life": Increasing Bone Marrow Donation and Transplantation. The purpose of the hearing was to consider the operation of the National Bone Marrow Donor Program. Testimony was received from a Member of Congress, representatives of the Department of Health and Human Services, the National Institutes of Health, the National Marrow Donor Program, and the American Association of Blood Banks, and patients.

DEPARTMENT OF HEALTH AND HUMAN SERVICES INSPECTOR GENERAL'S AUDIT OF THE HEALTH CARE FINANCING ADMINISTRATION'S FY 97 FINANCIAL STATEMENTS

On April 24, 1998, the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations of the Committee on Commerce, and the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform and Oversight held a joint oversight hearing on the financial management practices at the Health Care Financing Administration (HCFA). Specifically, the hearing focused on the findings of the Department of Health and Human Services Office of Inspector General's audit of HCFA's Fiscal Year 1997 financial statements and related reports on internal controls and compliance

with laws and regulations, as mandated by the Chief Financial Officer's Act of 1990 and the Government Management Reform Act of 1994.

Witnesses included the Inspector General of the Department of Health and Human Services and the Administrator of the Health Care Financing Administration.

REGULATORY EFFORTS TO PHASEOUT CHLOROFLUOROCARBON-BASED METERED-DOSE INHALERS

On May 6, 1998, the Subcommittee on Health and Environment held an oversight hearing to review an Advance Notice of Proposed Rulemaking published in the *Federal Register* by the Food and Drug Administration to remove the essential use status of chlorofluorocarbon-based metered-dose inhalers. The Subcommittee received testimony from Members of Congress, representatives of the Department of State, the Environmental Protection Agency, the Food and Drug Administration, organizations concerned with asthma and other lung disorders, and organizations representing dermatologists and pharmacists, and asthma patients.

REAUTHORIZATION OF THE MAMMOGRAPHY QUALITY STANDARDS ACT

In preparation for legislative action to reauthorize the Mammography Quality Standards Act, on May 8, 1998, the Subcommittee on Health and Environment held an oversight hearing on Reauthorization of the Mammography Quality Standards Act. Witnesses included representatives of the Food and Drug Administration, the General Accounting Office, the American Cancer Society, the American College of Radiology, the National Alliance of Breast Cancer Organizations, and the National Breast Cancer Coalition.

ELECTRONIC COMMERCE: THE PROMISE OF BETTER HEALTHCARE THROUGH TELEMEDICINE

The Subcommittee on Health and the Environment held one hearing as part of the Commerce Committee's electronic commerce initiative. On June 5, 1998, the Subcommittee on Health and the Environment held an oversight hearing which focused on the use of telemedicine to provide better health care. The hearing examined the use of information technology to lower cost of health care, technological developments affecting the future of telemedicine, and barriers to telemedicine. Witnesses included a representative from the U.S. Army's Medical Research and Material Command, directors of State telemedicine programs, executives of industries providing telemedicine services, and industry consultants.

PUTTING PATIENTS FIRST: RESOLVING ALLOCATION OF TRANSPLANT ORGANS

On June 18, 1998, the Subcommittee on Health and Environment held a joint hearing with the Senate Committee on Labor and Human Resources on Putting Patients First: Resolving Allocation of Transplant Organs. This hearing addressed proposed regulations affecting organ transplantation that were published in the *Federal Register* by the Department of Health and Human Services on

April 2, 1998. These regulations proposed overturning the current system established by the transplantation community, and replacing it with a quasi-national waiting list that would prioritize among the sickest patients. Witnesses included the Secretary of Health and Human Services, Members of Congress, physicians, patients, and other medical experts.

THE STATE OF CANCER RESEARCH

On July 20, 1998, the Subcommittee on Health and Environment held an oversight hearing on The State of Cancer Research, focusing on cancer prevention, detection, and treatment. The Subcommittee heard testimony from witnesses representing the National Cancer Institute, as well as a number of representatives from some of America's most prestigious cancer centers.

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM: A PROGRESS REPORT

On September 18, 1998, the Subcommittee on Health and Environment held an oversight hearing on the development and progress of the State Children's Health Insurance Program (S-CHIP). The hearing focused on the status of the S-CHIP program since the program was established under a new Title XXI of the Social Security Act, which was created in the Balanced Budget Act of 1997 (Public Law 105-33). Witnesses included representatives of the Health Care Financing Administration and State health administrators from the States of Virginia, Michigan, Ohio, Florida, and New York.

MEDICARE+CHOICE PROGRAM AFTER ONE YEAR

The Subcommittee on Health and Environment held an oversight hearing on October 2, 1998 on the Medicare+Choice Program after one year. The purpose of this hearing was to receive testimony on the Medicare+Choice Program after one year, focusing on the Federal implementation efforts. Witnesses included representatives of the Health Care Financing Administration, the Medicare Payment Advisory Commission, as well as national representatives from the managed care industry.

IMPLEMENTATION OF THE SAFE DRINKING WATER ACT AMENDMENTS OF 1996

On October 8, 1998, the Subcommittee on Health and Environment held an oversight hearing on the implementation of the 1996 Safe Drinking Water Act Amendments (Public Law 104-182). The hearing received testimony from representatives of the Environmental Protection Agency (EPA) and a panel of expert witnesses representing owners and operators of public water systems, State and local drinking water officials, public health officials, and the environmental community.

The hearing focused on EPA's progress in meeting statutory deadlines established by the 1996 Amendments, the implementation of the $8.6 billion State Revolving Fund to assist compliance efforts, the amount and adequacy of funding devoted to safe drink-

ing water programs, the amount and adequacy of funding devoted to research activities required by the 1996 Amendments, and challenges that may be presented in the future in implementing the 1996 Amendments.

PREVENTING TERRORIST ACCESS TO CLEAN AIR ACT SECTION 112(R) RISK MANAGEMENT PLANS

Under Section 112(r) of the Clean Air Act, the Environmental Protection Agency (EPA) is required to implement a program focused on the prevention of chemical accidents. Under EPA's "Risk Management Program," approximately 66,000 facilities will send EPA detailed information regarding potential accidental chemical release points and estimating damages and injuries that could result from an absolute worst-case scenario. The Clean Air Act does not specify the manner by which EPA is to disseminate this information to the public. EPA, however, planned to make this information available to the public on-line via the Internet.

On September 17, 1998, the Chairman of the Committee on Commerce wrote to Federal Bureau of Investigation (FBI) Director to confirm published reports that the FBI and other law enforcement groups believe that Internet publication of the worst-case scenario data would give foreign based terrorist groups the ability to target individual industrial facilities in any region of the U.S. with a few clicks on a computer.

On October 9, 1998, the FBI confirmed in its reply letter to the Chairman that EPA's plan would provide a targeting tool for a person planning a terrorist or criminal act and that the FBI opposed EPA's plan to put the worst-case scenario information on the Internet. The FBI also expressed concern that, even if EPA did not put the data on the Internet, private groups would collect the information and re-distribute it on the Internet.

On October 26, 1998, the Chairman of the Commerce Committee wrote to EPA Administrator Carol M. Browner and urged that EPA consider fully the impact of its actions on public safety. The Chairman also requested information regarding EPA's plan for Internet publication of data and the potential for non-governmental bodies to post this data if EPA decides not to publish it on its Internet site.

The Committee on Commerce will continue to monitor this issue in the 106th Congress.

HEARINGS HELD

The Department of Health and Human Services' Proposed Budget for Fiscal Year 1998.—Oversight Hearing on the Department of Health and Human Services' Proposed Budget for Fiscal Year 1998. Hearing held on February 12, 1997. PRINTED, Serial Number 105-5.

Medicare Managed Care: Payment and Related Issues.—Oversight Hearing on Medicare Managed Care: Payment and Related Issues. Hearing held on February 27, 1997. PRINTED, Serial Number 105-15.

Medicare Home Health Care.—Oversight Hearing on Medicare Home Health Care. Hearing held on March 5, 1997. PRINTED, Serial Number 105-14.

Assisted Suicide: Legal, Medical, Ethical, and Social Issues.—Oversight Hearing on Assisted Suicide: Legal, Medical, Ethical, and Social Issues. Hearing held on March 6, 1997. PRINTED, Serial Number 105-14.

Medicaid Reform: The Governors' View.—Oversight Hearing on Medicaid Reform: The Governors' View. Hearing held on March 11, 1997. PRINTED, Serial Number 105-8.

Reauthorization of the Substance Abuse and Mental Health Services Act.—Oversight Hearing on the Reauthorization of the Substance Abuse and Mental Health Services Act (SAMHSA). Hearing held on March 18, 1997. PRINTED, Serial Number 105-50.

Medicare Provider Service Networks.—Oversight Hearing on Medicare Provider Service Networks. Hearing held on March 19, 1997. PRINTED, Serial Number 105-48.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 1.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Clean Air Scientific Advisory Committee's (CASAC) Review. Hearing held on April 10, 1997. PRINTED, Serial Number 105-19.

Medicare Preventive Benefits and Quality Standards.—Oversight Hearing on Medicare Preventive Benefits and Quality Standards. Hearing held on April 11, 1997. PRINTED, Serial Number 105-53.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 1.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Development of the Regulatory Impact Analysis for EPA's Proposed Revisions. Hearing held on April 17, 1997. PRINTED, Serial Number 105-19.

Reauthorization of the Prescription Drug User Fee Act and FDA Reform.—Oversight Hearing on the Reauthorization of the Prescription Drug User Fee Act and FDA Reform. Hearing held on April 23, 1997. PRINTED, Serial Number 105-21.

Medical Devices: Technological Innovation and Patient/Provider Perspectives.—Oversight Hearing on Medical Devices: Technological Innovation and Patient/Provider Perspectives. Hearing held on April 30, 1997. PRINTED, Serial Number 105-20.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Perspectives of State and Local Elected Officials. Hearing held on May 1, 1997. PRINTED, Serial Number, 105-24.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Health Effects of Ozone and Particulate Matter. Hearing held on May 8, 1997. PRINTED, Serial Number, 105-24.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Views of the Environmental Protection Agency Admin-

istrator. Hearing held May 15, 1997. PRINTED, Serial Number 105-24.

Reauthorization of Transportation-Related Air Quality Improvement Programs.—Oversight Hearing on the Reauthorization of Transportation-Related Air Quality Improvement Programs. Hearing held on June 18, 1997. PRINTED, Serial Number 105-28.

Title VI of the Clean Air Act and the Ninth Meeting of the Parties to the Montreal Protocol.—Oversight Hearing on the Implementation of Title VI of the 1990 Clean Air Act Amendments and the Plans for the Upcoming Meeting of the Parties to the Montreal Protocol in Montreal in September 1997. Hearing held on July 30, 1997. PRINTED, Serial Number 105-36.

Overview of National Institutes of Health Programs.—Oversight Hearing on an Overview of National Institutes of Health Programs. Hearing held on September 30, 1997. PRINTED, Serial Number 105-43.

Implementation of the Clean Air Act National Ambient Air Quality Standards (NAAQS) Revisions for Ozone and Particulate Matter.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations on the Implementation of the Clean Air Act National Ambient Air Quality Standards (NAAQS) Revisions for Ozone and Particulate Matter. Hearing held on October 1, 1997. PRINTED, Serial Number 105-62.

Managed Care Quality.—Hearing on Managed Care Quality. This hearing also focused on H.R. 1415, the Patient Access to Responsible Care Act of 1997, and H.R. 820, the Health Insurance Bill of Rights Act of 1997. Hearing held on October 28, 1997. PRINTED, Serial Number 105-63.

Transborder Air Pollution, Including the Impact of Emissions from Foreign Transborder Commuter Vehicles on Air Quality in Border Regions.—Oversight Field Hearing on Transborder Air Pollution, Including the Impact of Emissions from Foreign Transborder Commuter Vehicles on Air Quality in Border Regions. Hearing held in San Diego, California on November 18, 1997. PRINTED, Serial Number 105-60.

The Tobacco Settlement—Part 1.—Oversight Hearing on those aspects of the Tobacco Settlement Relating to Medicaid and the Allocation of Settlement Funds. Hearing held on December 8, 1997. PRINTED, Serial Number 105-66.

The Tobacco Settlement—Part 1.—Oversight Hearing on those aspects of the Tobacco Settlement Relating to Preventing Teen Tobacco Use. Hearing held on December 9, 1997. PRINTED, Serial Number 105-66.

Preventing the Transmission of the Human Immunodeficiency Virus (HIV).—Oversight Hearing on Preventing the Transmission of the Human Immunodeficiency Virus (HIV). Hearing held on February 5, 1998. PRINTED, Serial Number 105-71.

Cloning: Legal, Medical, Ethical, and Social Issues.—Oversight Hearing on Cloning: Legal, Medical, Ethical, and Social Issues. Hearing held on February 12, 1998. PRINTED, Serial Number 105-70.

The Tobacco Settlement—Part 3.—Oversight Hearing on The Tobacco Settlement and the Views of the Public Health Community. Hearing held on March 5, 1998. PRINTED, Serial Number 105-82.

Community-Based Care for Americans with Disabilities.—Oversight Hearing on Community-Based Care for Americans with Disabilities. Hearing held on March 12, 1998. PRINTED, Serial Number 105-98.

The Tobacco Settlement—Part 3.—Oversight Hearing on The Tobacco Settlement and the Views of the Public. Hearing held on March 19, 1998. PRINTED, Serial Number 105-82.

New Developments in Medical Research: NIH and Patient Groups.—Oversight Hearing on New Developments in Medical Research: NIH and Patient Groups. Hearing held on March 26, 1998. PRINTED, Serial Number 105-76.

Implementation of the Reformulated Gasoline Program in California.—Hearing on H.R. 630, a bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State. Hearing held on April 22, 1998. PRINTED, Serial Number 105-94.

The "Gift of Life": Increasing Bone Marrow Donations and Transplantation.—Joint Oversight Hearing with the Senate Committee on Labor and Human Resources Subcommittee on Public Health and Safety on The "Gift of Life": Increasing Bone Marrow Donations and Transplantation. Hearing held on April 23, 1998. PRINTED, Serial Number 105-100.

Department of Health and Human Services Inspector General's Audit of the Health Care Financing Administration's Fiscal Year 1997 Financial Statements.—Joint Oversight Hearing with the Subcommittee on Oversight and Investigations and the Committee on Government Reform and Oversight Subcommittee on Government Management, Information, and Technology on the Department of Health and Human Services Inspector General's Audit of the Health Care Financing Administration's Fiscal Year 1997 Financial Statements. Hearing held on April 24, 1998. PRINTED, Serial Number 105-127.

Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered-Dose Inhalers.—Oversight Hearing on Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered-Dose Inhalers. Hearing held on May 6, 1998. PRINTED, Serial Number 105-95.

Reauthorization of the Mammography Quality Standards Act.—Oversight Hearing on Reauthorization of the Mammography Quality Standards Act. Hearing held on May 8, 1998. PRINTED, Serial Number 105-88.

Electronic Commerce—Part 4.—Oversight Hearing on Electronic Commerce: The Promise of Better Healthcare Through Telemedicine. Hearing held on June 5, 1998. PRINTED, Serial Number 105-114.

Putting Patients First: Resolving Allocation of Transplant Organs.—Joint Oversight Hearing with the Senate Committee on Labor and Human Resources on Putting Patients First: Resolving Allocation of Transplant Organs. Hearing held on June 18, 1998. PRINTED, Serial Number 105-107.

The State of Cancer Research.—Hearing on the State of Cancer Research. Hearing held on July 20, 1998. PRINTED, Serial Number 105-128.

The State Children's Health Insurance Program: A Progress Report.—Oversight Hearing on The State Children's Health Insurance

Program: A Progress Report. Hearing held on September 18, 1998. PRINTED, Serial Number 105-133.

HIV Partner Protection Act.—Hearing on H.R. 4431, the HIV Partner Protection Act. Hearing held on September 29, 1998. PRINTED, Serial Number 105-131.

The Medicare+Choice Program After One Year.—Oversight Hearing on The Medicare+Choice Program After One Year. Hearing held on October 2, 1998. PRINTED, Serial Number 105-139.

Implementation of the 1996 Safe Drinking Water Act Amendments.—Oversight Hearing on the Implementation of the 1996 Safe Drinking Water Act Amendments. Hearing held on October 8, 1998. PRINTED, Serial Number 105-135.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16-13)

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

LEGISLATIVE ACTIVITIES

ELECTRIC AND MAGNETIC FIELDS RESEARCH AND PUBLIC INFORMATION DISSEMINATION PROGRAM EXTENSION

Public Law 105-23 (H.R. 363)

To amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

Summary

H.R. 363 extended, through Fiscal Year 1998, the authorization for the Electric and Magnetic Fields Research and Public Information Dissemination Program (EMF RAPID), a Department of Energy program to study the effects of electric and magnetic fields. The program was originally authorized under section 2118 of the Energy Policy Act of 1992 (EPAct), and its objective was to determine whether or not exposure to electric and magnetic fields affects human health. The EPAct authorized the EMF RAPID program for five years (Fiscal Years 1993-1997). However, because the EPAct was enacted after the completion of the Fiscal Year 1993 appropriations cycle the program did not receive funding until Fiscal Year 1994. The extension through Fiscal Year 1998 was needed to bring the project to its logical conclusion as originally envisioned in the EPAct.

Legislative History

H.R. 363 was introduced by Mr. Towns on January 7, 1997, and was referred to the Committee on Commerce and, in addition, to the Committee on Science. Within the Committee on Commerce, the bill was referred to the Subcommittee on Energy and Power.

On February 26, 1997, the Subcommittee on Energy and Power held a legislative hearing on H.R. 363. Witnesses included Federal government and industry representatives. Immediately following the hearing on February 26, 1997, the Subcommittee met in open markup session and approved H.R. 363, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session on March 5, 1997, to consider H.R. 363 and ordered the bill reported to the House, as amended, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 363 to the House on April 21, 1997 (H. Rpt. 105-60, Part 1).

On April 16, 1997, the Committee on Science met in open markup session to consider H.R. 363, and ordered the bill reported to the House, amended, by a voice vote. On April 21, 1997, the Committee on Science reported H.R. 363 to the House (H. Rpt. 105-60, Part 2).

The House considered H.R. 363 under Suspension of the Rules on April 29, 1997, and passed the bill by a roll call vote of 387 yeas to 35 nays.

On April 30, 1997, H.R. 363 was received in the Senate, read twice, and referred to the Committee on Energy and Natural Resources. The Senate Committee on Energy and Natural Resources met in open markup session on June 11, 1997, and ordered H.R. 363 favorably reported to the Senate, without amendment, by a voice vote. On June 12, 1997, the Senate Committee on Energy and Natural Resources reported H.R. 363 to the Senate (S. Rpt. 105-27).

On June 20, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 363 and passed the bill, without amendment, clearing the measure for the President.

H.R. 363 was presented to the President on June 24, 1997. The President signed H.R. 363 into law on July 3, 1997 (Public Law 105-23).

DEPARTMENT OF ENERGY STANDARDIZATION ACT OF 1997

Public Law 105-28 (H.R. 649)

To amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

Summary

The purpose of H.R. 649 is to eliminate duplicative statutory requirements for public involvement in the Federal government's rulemaking and advisory committee processes. Prior to enactment of this legislation, the Department of Energy Organization Act and the Federal Energy Administration Act contained separate and conflicting public involvement requirements which were inconsist-

ent with the general public involvement requirements of the Administrative Procedure Act (Public Law 89-554) and the Federal Advisory Committee Act (Public Law 92-463).

This situation resulted in a duplication of effort within the Department of Energy as it attempted to comply with the different and inconsistent standards of the various statutes. H.R. 649 eliminates those provisions of the Department of Energy-specific statutes which overlap or conflict with the general statutes governing public participation, making the Department's rulemaking process and administration of advisory committees consistent with that of other Federal agencies.

Legislative History

Representatives Dan Schaefer and Ralph Hall introduced H.R. 649 in the House on February 6, 1997. The bill was referred solely to the Committee on Commerce.

On February 26, 1997, the Subcommittee on Energy and Power held a legislative hearing on H.R. 649. The only witness was a representative from the Department of Energy. Immediately following the hearing on February 26, 1997, the Subcommittee on Energy and Power met in open markup session and approved H.R. 649 for Full Committee consideration, without amendment, by a voice vote.

On March 5, 1997, the Full Committee met in open markup session to consider H.R. 649 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. On March 11, 1997, the Committee on Commerce reported H.R. 649 to the House (H. Rpt. 105-11). The House considered H.R. 649 under Suspension of the Rules on March 11, 1997, and passed the bill, by a voice vote, without amendment.

On March 12, 1997, H.R. 649 was received in the Senate, read twice, and referred to the Senate Committee on Energy and Natural Resources. On May 21, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 649 reported to the Senate without amendment. On June 11, 1997, the Senate Committee on Energy and Natural Resources reported H.R. 649 to the Senate (S. Rpt. 105-26).

On June 27, 1997, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 649 and passed the bill, without amendment, clearing the measure for the President.

H.R. 649 was presented to the President on July 9, 1997. The President signed H.R. 649 into law on July 18, 1997 (Public Law 105-28).

BALANCED BUDGET ACT OF 1997

Public Law 105-33 (H.R. 2015, S. 947)

(Title IX—Asset Sales, User Fees, and Miscellaneous Provisions)

To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Summary

Title IX of Public Law 105-33, the Balanced Budget Act of 1997, contains an energy-related provision which falls within the jurisdiction of the Committee on Commerce.

Section 9303 of the Public Law, Lease of Excess Strategic Petroleum Reserve Capacity, permits the Department of Energy to lease the excess storage capacity of the Strategic Petroleum Reserve (SPR) to foreign governments or their agents. The provision allows underutilized SPR capacity in the United States to be utilized by foreign governments for petroleum product storage and allowing SPR operation costs to be shared by potential lessees. Conferees from the Committee on Commerce were involved in the negotiations which led to the final legislative language.

Legislative History

On June 11, 1997, the Full Committee considered and approved three Committee Prints pertaining to energy issues for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1997 as follows.

A Committee Print entitled "Title III, Subtitle A—Nuclear Regulatory Commission Annual Charges" was approved by a voice vote, a quorum being present. Prior to this action, on June 5, 1997, the Subcommittee on Energy and Power approved the Committee Print for Full Committee consideration, without amendment, by a voice vote. This Committee Print extends the authority of the Nuclear Regulatory Commission to collect 100 percent of its budget through user fees through Fiscal Year 2002.

A Committee Print entitled "Title III, Subtitle B—Lease of Excess Strategic Petroleum Reserve Capacity" was approved by a voice vote, a quorum being present. Prior to this action, on June 5, 1997, the Subcommittee on Energy and Power approved the Committee Print for Full Committee consideration, without amendment, by a voice vote. This Committee Print allows the Department of Energy to lease the excess storage capacity of the Strategic Petroleum Reserve to foreign governments or their agents.

A Committee Print entitled "Title III, Subtitle C—Sale of DOE Assets" was approved, amended, by a voice vote, a quorum being present. Prior to this action, on June 5, 1997, the Subcommittee on Energy and Power approved the Committee Print for Full Committee consideration, without amendment, by a voice vote. This Committee Print requires the Department of Energy (DOE) to sell 3.2 million pounds of surplus natural and low-enriched uranium per year between fiscal year 1999-2002 at not less than fair market value, subject to a determination such sale or sales would not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry.

On June 17, 1997, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on the Budget transmitting these three Committee Prints for inclusion in the Balanced Budget Act of 1997.

The provisions of these three Committee Prints were included in the text of Title III of H.R. 2015 as reported to the House by the Committee on the Budget on June 24, 1997 (H. Rpt. 105-149).

The Committee on Rules met on June 24, 1997, and granted a rule providing for the consideration of H.R. 2015. The rule was filed in the House as H. Res. 174. On June 25, 1997, the House passed H. Res. 174 by a roll call vote of 228 yeas to 200 nays.

The House considered H.R. 2015 on June 25, 1997, and passed the bill, amended, by a roll call vote of 270 yeas to 162 nays. On June 25, 1997, H.R. 2015 was received in the Senate and read twice.

On June 20, 1997, the Senate Committee on the Budget reported a companion bill to the Senate, which was introduced in the Senate as S. 947 (No Written Report). Pursuant to a unanimous consent request agreed to on June 20, 1997, the Senate began consideration of S. 947 on June 23, 1997. The Senate considered S. 947 on June 23, June 24, and June 25, 1997; and on June 25, 1997, passed S. 947 by a roll call vote of 73 yeas to 27 nays. Pursuant to a unanimous consent request agreed to on June 24, 1997, the Senate, on June 25, 1997, then proceeded to the immediate consideration of H.R. 2015, struck all after the enacting clause and inserted in lieu thereof the text of S. 947 as passed by the Senate, and passed H.R. 2015. By unanimous consent, the Senate postponed further consideration of S. 947.

On June 27, 1997, the Senate insisted on its amendment to H.R. 2015, requested a conference with the House, and appointed conferees. On July 10, 1997, the House disagreed to the Senate amendment to H.R. 2015, agreed to a conference with the Senate, and appointed conferees. A motion to instruct the conferees was agreed to by a roll call vote of 414 yeas to 14 nays. Members of the Committee on Commerce were appointed as conferees.

During the House-Senate conference, the provisions relating to the Nuclear Regulatory Commission Annual Charges and the Sale of DOE Assets were deleted from H.R. 2015. On July 30, 1997, the conference report on H.R. 2015 was filed in the House (H. Rpt. 105-347).

On July 29, 1997, the Committee on Rules met and granted a rule waiving clause 4(b) of Rule XI (requiring a 2/3 vote to consider a rule on the same day it is reported by the Committee on Rules) with respect to the rule on H.R. 2015, or amendments in disagreement reported before August 3, 1997, and the rule on H.R. 2014 or amendments in disagreement reported before August 3, 1997. The rule was filed in the House as H. Res. 201. On July 30, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2015. The rule was filed in the House as H. Res. 202. On July 30, 1997, the House passed H. Res. 201 by a roll call vote of 237 yeas to 187 nays. The House then passed H. Res. 202 by a voice vote. Finally, on July 30, 1997, the House agreed to the conference report on H.R. 2015 by a roll call vote of 346 yeas to 85 nays.

The Senate considered the conference report on H.R. 2015 on July 30, and July 31, 1997; and on July 31, 1997, passed the conference report by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2015 was presented to the President on August 1, 1997. On August 5, 1997, the President signed H.R. 2015 into law (Public Law 105-33).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Public Law 105-85 (H.R. 1119, S. 936, S. 924, S. Con. Res. 64)

(Energy Related Provisions)

To authorize appropriations for fiscal year 1998 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 105-85 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 conference negotiations which led to the agreements contained in H.R. 1119.

Section 3137 of the Public Law puts limitations on the use of funds for laboratory directed research and development purposes. This provision should ensure that funding from non-R&D accounts is not spent on research and development which would not be of direct benefit to the paying account. Conferees from the Commerce Committee supported the inclusion of this language.

Section 3138 of the Public Law establishes a pilot program relating to the use of proceeds of disposal of certain Department of Energy assets. The section authorizes the Secretary of Energy to retain from the cost of selling, leasing, or disposing of an asset an amount equal to the cost of the sale, lease, or disposal. These costs include the cost of preparing an asset for sale, lease, or disposal. The authority is limited to the sale, lease, or disposal of six specific Department of Energy assets. Conferees from the Commerce Committee supported the inclusion of this language.

Section 3139 of the Public Law extends the authority for the appointment of certain scientific, engineering, and technical personnel for the Department of Energy. This will allow the Department to continue the hiring of qualified professionals without regard to the provisions governing the appointments in the competitive service, and General Schedule classification schedules and pay rates contained in title 5, United States Code. Conferees from the Committee on Commerce supported the inclusion of this section.

Section 3153 of the Public Law establishes a study and associated funding relating to the implementation of workforce restructuring programs. Conferees from the Commerce Committee were involved in the negotiation of compromise language for this section.

Section 3165 of the Public Law authorizes community assistance payments from the Department of Energy to Los Alamos County under the Atomic Energy Community Act of 1955. Conferees from the Committee on Commerce supported the inclusion of this section.

Title XXXII of the Public Law authorizes the activities of the Defense Nuclear Facilities Safety Board, and requires a study of those activities of the Board which would be more efficiently regulated by an external entity. Conferees from the Committee on Commerce

were involved in the negotiation of compromise language for this title and supported its inclusion.

Section 3402 of the Public Law provides a floor for the sale of petroleum from Naval Petroleum Reserves 1, 2, and 3, prohibiting any sales at a price under 90 percent of the current sales price of comparable petroleum products. Conferees from the Committee on Commerce were involved in the formulation of this language.

Section 3404 of the Public Law allows for the disposal of portions of the Naval Petroleum Reserve and transfers "administrative jurisdiction" over portions of the Naval Petroleum and Oil Shale Reserves to the Secretary of the Interior. Conferees from the Committee on Commerce supported the inclusion of this section.

Legislative History

H.R. 1119 was introduced in the House by Representatives Spence and Dellums on March 19, 1997, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 1119 on June 11, 1997, and ordered the bill reported to the House, amended, by a roll call vote of 51 yeas to 3 nays. On June 16, 1997, the Committee on National Security reported H.R. 1119 to the House (H. Rpt. 105-132).

The Committee on Rules met on June 18, 1997, and granted a rule providing for the consideration of H.R. 1119. The rule was filed in the House as H. Res. 169. On June 19, 1997, the House passed H. Res. 169, amended, by a roll call vote of 322 yeas to 101 nays.

The House considered H.R. 1119 on June 19, June 20, June 23, June 24, and June 25, 1997; and on June 25, 1997, passed the bill, as amended by a roll call vote of 304 yeas to 120 nays. On July 7, 1997, H.R. 1119 was received in the Senate, read twice, and placed on the Senate Calendar.

On June 17, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 924 and placed on the Senate Calendar (S. Rpt. 105-29). On June 18, 1997, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 936 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 936 on June 19, June 20, July 7, July 8, July 9, July 10, and July 11, 1997. On July 11, 1997, the Senate passed S. 936, amended, by a roll call vote of 94 yeas to 4 nays. On July 11, 1997, by unanimous consent, the Senate agreed to a request that S. Rpt. 105-29, the report to accompany S. 924, be deemed to be the report to accompany S. 936. The Senate then, by unanimous consent, took H.R. 1119 from the Senate Calendar and passed the bill, amended with the text of S. 936 as passed by the Senate. The Senate insisted on its amendment to H.R. 1119, requested a conference with the House, and appointed conferees.

On July 25, 1997, the House disagreed to the Senate amendment to H.R. 1119, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. The House, on July 25, 1997, also agreed by a roll call vote of 414 yeas to 0 nays to a motion to instruct the

conferees and, by a roll call vote of 409 yeas to 1 nay, agreed to a motion to close portions of the conference.

On September 5, 1997, the House agreed to a second motion to instruct the conferees by a roll call vote of 261 yeas to 150 nays. The conference report on H.R. 1119 was filed in the House on October 23, 1997 (H. Rpt. 105-340).

On October 23, 1997, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 1119. The rule was filed in the House as H. Res. 278. On October 28, 1997, the House passed H. Res. 278 by a roll call vote of 353 yeas to 59 nays.

The House agreed to the conference report by a roll call vote of 286 yeas to 123 nays on October 28, 1997. The Senate agreed to the conference report by a roll call vote of 90 yeas to 10 nays on November 6, 1997.

On November 6, 1997, the Senate also agreed to S. Con. Res. 64, a resolution to provide for corrections in the enrollment of H.R. 1119, pursuant to a unanimous consent request agreed to on October 31, 1997. S. Con. Res. 64 was received in the House on November 6, 1997, and held at the desk. No further action was taken on S. Con. Res. 64.

H.R. 1119 was presented to the President on November 6, 1997. The President signed H.R. 1119 into law on November 18, 1997 (Public Law 105-85).

ENERGY POLICY AND CONSERVATION ACT PROGRAMS REAUTHORIZATION

Public Law 105-177 (H.R. 2472, H. Res. 317)

To extend certain programs under the Energy Policy and Conservation Act.

Summary

H.R. 2472 extends (1) the authorization of appropriations for the Strategic Petroleum Reserve through Fiscal Year 1999; and (2) all authorities for domestic supply availability and for standby energy through September 1, 1999. Enactment of this legislation assured that in the event of an energy emergency, the President's authority to drawdown the Strategic Petroleum Reserve was preserved. H.R. 2472 also preserves and expands the ability of U.S. oil companies to participate in the International Energy Agreement without violating antitrust laws. It also limits drawdown and distribution of petroleum products from the Strategic Petroleum Reserve to the purposes and proscriptions of the Energy Policy and Conservation Act. Finally, H.R. 2472 also requires the annual budget submitted by the Secretary of Energy to include a funding request for petroleum storage in the Strategic Petroleum Reserve or to provide a written explanation why such a request is not forthcoming.

Legislative History

On September 15, 1997, Mr. Dan Schaefer introduced H.R. 2472 in the House. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Energy and Power held a hearing on H.R. 2472 on September 16, 1997. Testimony was received from representatives of the Department of Energy, State and community agencies, and energy service companies. Immediately following the hearing on September 16, 1997, the Subcommittee on Energy and Power met in open markup session and approved H.R. 2472 for Full Committee consideration, without amendment, by a voice vote.

On September 18, 1997, the Full Committee met in open markup session and ordered H.R. 2472 reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2472 to the House on September 26, 1997 (H. Rpt. 105-275).

The House considered H.R. 2472 under Suspension of the Rules on September 29, 1997, and passed the bill by a roll call vote of 405 yeas to 8 nays.

On September 30, 1997, H.R. 2472 was received in the Senate and read twice. By unanimous consent, the Senate then proceeded to the immediate consideration of H.R. 2472 and passed the bill, amended. On October 1, 1997, H.R. 2472 was returned to the House.

On November 9, 1997, the House considered H. Res. 317 under Suspension of the Rules and passed the resolution by a voice vote. H. Res. 317 provided for the agreement of the House to the Senate amendment to H.R. 2472 with an amendment.

On February 12, 1998, H.R. 2472 was laid before the Senate and, by unanimous consent, the Senate concurred in the House amendment to the Senate amendment to H.R. 2472, with an amendment. The Senate then insisted on its amendment and requested a conference with the House thereon. On March 23, 1998, the Senate appointed conferees.

On May 19, 1998, the House H.R. 2472 under Suspension of the Rules and, by a voice vote, concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 2472, clearing the measure for the President.

H.R. 2472 was presented to the President on May 21, 1998. The President signed H.R. 2472 into law on June 1, 1998 (Public Law 105-177).

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Public Law 105-178 (H.R. 2400, S. 1173)

(Energy Related Provisions)

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Summary

Public Law 105-178 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 conference negotiations which led to the agreements contained in H.R. 2400.

Subtitle (C) of Title VII of Public law 105-178 improves the national one-call notification program in order to enhance public safety, protect the environment, minimize risks to excavators, and prevent disruption of vital public services caused by unintentional damage from excavation to underground facilities such as natural gas and hazardous liquid pipelines, and electric and telecommunication cables.

Legislative History

H.R. 2400 was introduced in the House on September 4, 1997, by Mr. Shuster and three cosponsors. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget.

On March 24, 1998, the Committee on Transportation and Infrastructure considered H.R. 2400, and ordered the bill reported to the House, amended, by a roll call vote of 69 yes to 0 nays. On March 25, 1998, the Committee on Transportation and Infrastructure reported H.R. 2400 to the House (H. Rpt. 105-467, Part 1). On March 25, 1998, the referral of H.R. 2400 to the Committee on the Budget was extended for a period ending not later than March 27, 1998. On March 25, 1998, H.R. 2400 was also referred, sequentially, to the Committee on Ways and Means for a period ending not later than March 27, 1998.

On March 25, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Transportation and Infrastructure indicating that H.R. 2400, as ordered reported, included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that, in order to expedite consideration of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 2400, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation. On March 25, 1998, the Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Commerce acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to H.R. 2400.

On March 26, 1998, the Committee on Ways and Means considered H.R. 2400, and ordered the bill reported to the House, amended, by a voice vote.

On March 27, 1998, the Committee on Transportation and Infrastructure filed a supplemental report on H.R. 2400 in the House (H. Rpt. 105-467, Part 2). On March 27, 1998, the Committee on Ways and Means reported H.R. 2400 to the House (H. Rpt. 105-467, Part 3). On March 27, 1998, the Committee on the Budget was discharged from further consideration of H.R. 2400.

On March 31, 1998, the Committee on Rules met and granted a rule providing for the consideration of H.R. 2400. The rule was filed in the House as H. Res. 405. The House passed H. Res. 405 on April 1, 1998, by a roll call vote of 357 yeas to 61 nays. The House considered H.R. 2400 on April 1, 1998, and passed the bill, amended, by a roll call vote of 337 yeas to 80 nays.

On April 1, 1998, the House also agreed to a unanimous consent request if a message arrived from the Senate indicating that the Senate had passed H.R. 2400, with an amendment, insisted on its

amendment, and requested a conference with the House, that the House be deemed to have disagreed to the Senate amendment, agreed to the conference with the Senate, and that the Speaker appointed conferees without any intervening motion. The unanimous consent request also provided for a motion to instruct conferees to be offered on the House Floor during the week of April 21, 1998, and provided that the managers could not file a conference report prior to April 22, 1998.

H.R. 2400 was received in the Senate on April 2, 1998, and read twice.

On September 12, 1997, S. 1173, a companion bill, was introduced in the Senate by Mr. Warner and fourteen cosponsors. The bill was read twice and referred to the Senate Committee on Environment and Public Works. On September 17, 1997, the Senate Committee on Environment and Public Works considered S. 1173 and ordered the bill reported to the Senate, amended. On October 1, 1997, the Senate Committee on Environment and Public Works reported S. 1173 to the Senate (S. Rpt. 105-95). The Senate considered S. 1173 on October 8, October 20, October 21, October 22, October 23, October 24, October 28, and October 29, 1997. On October 29, 1997, S. 1173 was returned to the Senate Calendar.

On February 26, 1998, the Senate began consideration of S. 1173 again, and considered the bill on February 26, February 27, March 2, March 3, March 4, March 5, March 6, March 9, March 10, March 11, and March 12, 1998. On March 12, 1998, the Senate adopted an modified committee amendment in the nature of a substitute. S. 1173 was then read for the third time and again returned to the Senate Calendar. On April 2, 1998, pursuant to a unanimous consent request agreed to on March 12, 1998, the Senate proceeded to the immediate consideration of H.R. 2400, struck all after the enacting clause and inserted in lieu thereof the text of S. 1173 as amended by the Senate, and passed H.R. 2400. By unanimous consent, the Senate indefinitely postponed S. 1173.

On April 2, 1998, the Senate insisted on its amendment to H.R. 2400, requested a conference with the House, and appointed conferees. On April 3, 1998, pursuant to the unanimous consent agreement of April 1, 1998, the House disagreed to the Senate amendment to H.R. 2400, agreed to a conference with the Senate, and appointed conferees. On April 22, 1998, the Speaker appointed additional conferees from the Committee on Commerce. On April 23, 1998, the Speaker appointed additional conferees from the Committee on Science. On May 6, 1998, the Speaker appointed additional conferees from the Committee on Ways and Means and the Committee on the Budget. On May 20, 1998, a motion to instruct conferees passed by a roll call vote of 422 yeas to 0 nays. On May 21, 1998, a motion to instruct conferees was defeated by a roll call vote of 77 yeas to 332 nays, with 1 voting present. On May 21, 1998, a second motion to instruct conferees also was defeated by a roll call vote of 156 yeas to 251 nays, with 2 voting present. On May 22, 1998, the conference report on H.R. 2400 was filed in the House (H. Rpt. 104-550).

On May 22, 1998, the Committee on Rules met and granted a rule providing for the consideration of the conference report on H.R. 2400. The rule was filed in the House as H. Res. 449. On May

22, 1998, the House passed H. Res. 449 by a roll call vote of 359 yeas to 29 nays. On May 22, 1998, the House also agreed to the conference report on H.R. 2400 by a roll call vote of 397 yeas to 86 nays.

The Senate agreed to the conference report on H.R. 2400 on May 22, 1998 by a roll call vote of 85 yeas to 15 nays, clearing the measure for the President.

H.R. 2400 was presented to the President on May 28, 1998. On June 9, 1998, the President signed H.R. 2400 into law (Public Law 105-178).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT LOCATED IN THE STATE OF WASHINGTON

Public Law 105-189 (H.R. 651)

To extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

Summary

The purpose of H.R. 651 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Washington (Project No. 8864).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 651 authorizes FERC to extend the deadline for the commencement of construction for a 5.4 megawatt hydroelectric project (Project No. 8864) in King County, Washington for up to three additional two-year periods. H.R. 651 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On February 6, 1997, Mr. White introduced H.R. 651 in the House. The bill was referred solely to the Committee on Commerce.

On February 26, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 651 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On March 5, 1997, the Full Committee met in open markup session to consider H.R. 651 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 651 to the House on March 11, 1997 (H. Rpt. 105-12).

On March 11, 1997, the House considered H.R. 651 under Suspension of the Rules and passed the bill by a voice vote. H.R. 651

was received in the Senate on March 12, 1997, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On October 22, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 651 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 651 to the Senate on November 4, 1997 (S. Rpt. 105-133). On June 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 651 and passed the bill, without amendment, clearing the measure for the President.

H.R. 651 was presented to the President on July 8, 1998. The President signed H.R. 651 into law on July 14, 1998 (Public Law 105-189).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT LOCATED IN THE STATE OF WASHINGTON

Public Law 105-190 (H.R. 652)

To extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

Summary

The purpose of H.R. 652 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Washington (Project No. 9025).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 652 authorizes FERC to extend the deadline for the commencement of construction of a 6.3 megawatt hydroelectric project (Project No. 9025) in King County, Washington for up to three additional two-year periods. H.R. 652 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On February 6, 1997, Mr. White introduced H.R. 652 in the House. The bill was referred solely to the Committee on Commerce.

On February 26, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 652 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On March 5, 1997, the Full Committee met in open markup session to consider H.R. 652 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 652 to the House on March 11, 1997 (H. Rpt. 105-13).

On March 11, 1997, the House considered H.R. 652 under Suspension of the Rules and passed the bill by a voice vote. H.R. 652 was received in the Senate on March 12, 1997, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On October 22, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 652 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 652 to the Senate on November 4, 1997 (S. Rpt. 105-134). On June 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 652 and passed the bill, without amendment, clearing the measure for the President.

H.R. 652 was presented to the President on July 8, 1998. The President signed H.R. 652 into law on July 14, 1998 (Public Law 105-190).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF THE AUSABLE HYDROELECTRIC PROJECT IN NEW YORK

Public Law 105-191 (H.R. 848)

To extend the deadline under the Federal Power Act for the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

Summary

The purpose of H.R. 848 is to extend the statutory deadline for the commencement of construction of the AuSable Hydroelectric Project in the State of New York (Project No. 10836).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 848 authorizes FERC to extend the deadline for the commencement of construction of the AuSable Hydroelectric Project, an 800 kilowatt hydroelectric project (Project No. 10836) in Clinton and Essex Counties, New York. H.R. 848 reinstates the license and extends the deadline for up to three additional two-year periods. H.R. 848 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On February 26, 1997, Mr. McHugh introduced H.R. 848 in the House. The bill was referred solely to the Committee on Commerce.

On May 22, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 848 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On June 4, 1997, the Full Committee met in open markup session to consider H.R. 848 and ordered the bill reported to the

House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 848 to the House on June 7, 1997 (H. Rpt. 105-122).

On June 10, 1997, the House considered H.R. 848 under Suspension of the Rules and passed the bill by a voice vote. H.R. 848 was received in the Senate on June 11, 1997, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On October 22, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 848 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 848 to the Senate on November 4, 1997 (S. Rpt. 105-135). On June 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 848 and passed the bill, without amendment, clearing the measure for the President.

H.R. 848 was presented to the President on July 8, 1998. The President signed H.R. 848 into law on July 14, 1998 (Public Law 105-191).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF THE BEAR CREEK HYDROELECTRIC PROJECT IN THE STATE OF WASHINGTON

Public Law 105-192 (H.R. 1184)

To extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

Summary

The purpose of H.R. 1184 is to extend the statutory deadline for the commencement of construction of the Bear Creek Hydroelectric Project in the State of Washington (Project No. 10371).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 1184 authorizes FERC to extend the deadline for the commencement of construction of the Bear Creek Hydroelectric Project, a 4 megawatt hydroelectric project (Project No. 10371) in Skagit County, Washington. H.R. 1184 reinstates the license and extends the deadline for up to three additional two-year periods. H.R. 1184 does not ease the requirements of a license, but merely extends the period for commencement of construction.

H.R. 1184 also reenacts a sentence in section 6 of the Federal Power Act relating to revocation of hydroelectric licenses inadvertently deleted by the General Accounting Office Act of 1996 (Public Law 104-316).

Legislative History

On March 20, 1997, Mr. Metcalf introduced H.R. 1184 in the House. The bill was referred solely to the Committee on Commerce.

On May 22, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 1184 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On June 4, 1997, the Full Committee met in open markup session to consider H.R. 1184 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1184 to the House on June 7, 1997 (H. Rpt. 105-123).

On June 10, 1997, the House considered H.R. 1184 under Suspension of the Rules and passed the bill, amended, by a voice vote. H.R. 1184 was received in the Senate on June 11, 1997, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On October 22, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 1184 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 1184 to the Senate on November 4, 1997 (S. Rpt. 105-136). On June 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1184 and passed the bill, without amendment, clearing the measure for the President.

H.R. 1184 was presented to the President on July 8, 1998. The President signed H.R. 1184 into law on July 14, 1998 (Public Law 105-192).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT LOCATED IN THE STATE OF WASHINGTON

Public Law 105-193 (H.R. 1217)

To extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

Summary

The purpose of H.R. 1217 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Washington (Project No. 10359).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 1217 directs FERC to extend the deadline for the commencement of construction of an 8.3 megawatt hydroelectric project (Project No. 10359) in Snohomish County, Washington through

May 4, 2002. H.R. 1217 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On March 21, 1997, Mr. Metcalf introduced H.R. 1217 in the House. The bill was referred solely to the Committee on Commerce.

On May 22, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 1217 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On June 4, 1997, the Full Committee met in open markup session to consider H.R. 1217 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 1217 to the House on June 7, 1997 (H. Rpt. 105-124).

On June 10, 1997, the House considered H.R. 1217 under Suspension of the Rules and passed the bill by a voice vote. H.R. 1217 was received in the Senate on June 11, 1997, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On October 22, 1997, the Senate Committee on Energy and Natural Resources ordered H.R. 1217 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 1217 to the Senate on November 4, 1997 (S. Rpt. 105-137). On June 25, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 1217 and passed the bill, without amendment, clearing the measure for the President.

H.R. 1217 was presented to the President on July 8, 1998. The President signed H.R. 1217 into law on July 14, 1998 (Public Law 105-193).

DISPOSITION OF DEPLETED URANIUM HEXAFLUORIDE

Public Law 105-204 (S. 2316, H.R. 4215)

To require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

Summary

In the uranium enrichment process, uranium hexafluoride is processed to separate U-235 from U-238. After processing, the depleted uranium hexafluoride is placed in canisters for storage and, ultimately, disposal. The Uranium Decontamination and Decommissioning Fund was established to fund the remediation of the gaseous diffusion plants, including disposition of these depleted uranium hexafluoride stores.

Under the United States Enrichment Corporation (USEC) Privatization Act of 1996 (Public Law 104-134), all monies generated by the sale of the Corporation and currently accrued to the Corporation are to be deposited in the general fund of the U.S. Treasury. USEC, at the time of its privatization, estimated that its activities had generated depleted uranium hexafluoride which remediation

costs would total nearly $400 million since the Corporation's genesis in 1992.

Public Law 105-204 requires the Secretary of Energy to prepare, and the President to include in the Fiscal Year 2000 budget request, a plan and proposed legislation for the remediation of these depleted uranium hexafluoride wastes, prohibiting expenditures of the Corporation's assets until the plan is complete and ensuring availability of funds for the decontamination and decommissioning of the gaseous diffusion facilities.

Legislative History

S. 2316 was introduced in the Senate by Senators McConnell and DeWine on July 15, 1998, read the first time, and placed on the Senate Calendar. On July 16, 1998, the measure was read the second time and laid before the Senate by unanimous consent. By unanimous consent, the Senate then proceeded to the immediate consideration of S. 2316 and passed the bill, amended. S. 2316 was received in the House on July 17, 1998, and held at the desk.

Two companion bills to S. 2316 were introduced in the House. The first, H.R. 4215, was introduced by Representatives Whitfield and Strickland on July 14, 1998. H.R. 4215 was referred to the Committee on Commerce, and in addition to the Committee on the Budget. The second companion bill, H.R. 4234, was introduced by Representatives Whitfield, Bunning, Strickland, and Baesler on July 15, 1998. H.R. 4234 was also referred to the Committee on Commerce, and in addition to the Committee on the Budget.

On July 20, 1998, by unanimous consent, the House considered S. 2316 and passed the bill, without amendment, by a voice vote, clearing the measure for the President.

On July 21, 1998, S. 2316 was presented to the President. The President signed S. 2316 into law on July 21, 1998 (Public Law 105-204).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF FERC PROJECT NUMBER 3862 IN THE STATE OF IOWA

Public Law 105-211 (H.R. 2165)

To extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

Summary

The purpose of H.R. 2165 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Iowa (FERC Project Number 3862).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 2165 authorizes FERC to extend the deadline for the commencement of construction of a 27 megawatt hydroelectric project (Project No. 3862) in Scott County, Iowa. H.R. 2165 reinstates the license and extends the deadline for up to three additional two-year periods. H.R. 2165 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On July 15, 1997, Mr. Leach introduced H.R. 2165 in the House. The bill was referred solely to the Committee on Commerce.

On September 16, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 2165 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On September 18, 1997, the Full Committee met in open markup session to consider H.R. 2165 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2165 to the House on September 26, 1997 (H. Rpt. 105-273).

On September 29, 1997, the House considered H.R. 2165 under Suspension of the Rules. On November 13, 1997, by unanimous consent, the House adopted a motion to suspend the Rules and pass H.R. 2165 in the form considered by the House on September 29, 1997. H.R. 2165 was received in the Senate on January 27, 1998, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On June 24, 1998, the Senate Committee on Energy and Natural Resources ordered H.R. 2165 reported to the Senate. The Senate Committee on Energy and Natural Resources reported H.R. 2165 to the Senate on July 2, 1998 (S. Rpt. 105-237). On July 17, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 2165 and passed the bill, without amendment, clearing the measure for the President.

H.R. 2165 was presented to the President on July 21, 1998. The President signed H.R. 2165 into law on July 29, 1998 (Public Law 105-211).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF FERC PROJECT NUMBER 9248 IN THE STATE OF COLORADO

Public Law 105-212 (H.R. 2217)

To extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

Summary

The purpose of H.R. 2217 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Colorado (FERC Project Number 9248).

Section 13 of the Federal Power Act establishes time limits for the 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 two

years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 2217 authorizes FERC to extend the deadline for the commencement of construction of a 4.6 megawatt hydroelectric project (Project No. 9248) in San Miguel County, Colorado through January 30, 2002. H.R. 2217 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On July 22, 1997, Mr. McInnis introduced H.R. 2217 in the House. The bill was referred solely to the Committee on Commerce.

On April 22, 1998, the Subcommittee on Energy and Power met in open markup session to consider H.R. 2217 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On April 29, 1998, the Full Committee met in open markup session to consider H.R. 2217 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2217 to the House on May 6, 1998 (H. Rpt. 105-509).

On May 12, 1998, the House considered H.R. 2217 under Suspension of the Rules and passed the bill by a voice vote. H.R. 2217 was received in the Senate on May 13, 1998, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On June 24, 1998, the Senate Committee on Energy and Natural Resources ordered H.R. 2217 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 2217 to the Senate on July 2, 1998 (S. Rpt. 105-238). On July 17, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 2217 and passed the bill, without amendment, clearing the measure for the President.

H.R. 2217 was presented to the President on July 21, 1998. The President signed H.R. 2217 into law on July 29, 1998 (Public Law 105-212).

EXTENSION OF TIME FOR THE CONSTRUCTION OF A HYDROELECTRIC PROJECT

Public Law 105-213 (H.R. 2841)

To extend the time required for the construction of a hydroelectric project.

Summary

The purpose of H.R. 2841 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Kentucky (Project No. 10395).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the

deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 2841 authorizes FERC to extend the deadline for the commencement of construction of a 35 megawatt hydroelectric project (Project No. 10395) in Bracken County, Kentucky for up to three additional two-year periods. H.R. 2841 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On November 6, 1997, Mr. Bunning introduced H.R. 2841 in the House. The bill was referred solely to the Committee on Commerce.

On April 22, 1998, the Subcommittee on Energy and Power met in open markup session to consider H.R. 2841 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On April 29, 1998, the Full Committee met in open markup session to consider H.R. 2841 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 2841 to the House on May 6, 1998 (H. Rpt. 105-510).

On May 12, 1998, the House considered H.R. 2841 under Suspension of the Rules and passed the bill by a voice vote. H.R. 2841 was received in the Senate on May 13, 1998, read twice, and referred to the Senate Committee on Energy and Natural Resources.

On June 24, 1998, the Senate Committee on Energy and Natural Resources ordered H.R. 2841 reported to the Senate, without amendment. The Senate Committee on Energy and Natural Resources reported H.R. 2841 to the Senate on July 2, 1998 (S. Rpt. 105-239). On July 17, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 2841 and passed the bill, without amendment, clearing the measure for the President.

H.R. 2841 was presented to the President on July 21, 1998. The President signed H.R. 2841 into law on July 29, 1998 (Public Law 105-213).

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Public Law 105-236 (H.R. 629, S. 270)

To grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

Summary

H.R. 629 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 (Public Law 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 the 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 Compact after such time as Congress, by law, consents to the Compact.

Legislative History

H.R. 629 was introduced by in the House by Mr. Barton and 21 cosponsors on February 6, 1997. The bill was referred solely to the Committee on Commerce.

On May 13, 1997, the Subcommittee on Energy and Power held a legislative hearing on H.R. 629. Witnesses included Members of Congress from the State of Texas, representatives from the States of Texas and Maine, and private citizens from the State of Texas.

Immediately following the hearing on May 13, 1997, the Subcommittee on Energy and Power met in open markup session to consider H.R. 629 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. 629 on June 25, 1997, and ordered the bill reported to the House, without amendment, by a voice vote. The Committee on Commerce reported H.R. 629 to the House on July 15, 1997 (H. Rpt. 105-181).

On October 6, 1997, the Committee on Rules met and granted a rule providing for the consideration of H.R. 629. The rule was filed in the House as H. Res. 258. The House passed H. Res. 258 on October 7, 1998, by a voice vote. The House considered H.R. 629 on October 7, 1997, and passed the bill amended, by a roll call vote of 309 yeas to 107 nays. On October 8, 1997, H.R. 629 was received in the Senate, read twice, and placed on the Senate Calendar.

S. 270, a companion bill, was introduced in the Senate by Ms. Snowe and three cosponsors on February 5, 1997, read twice, and referred to the Senate Committee on the Judiciary. On March 20, 1997, the Senate Committee on the Judiciary ordered S. 270 reported to the Senate, without amendment. The Senate Committee on the Judiciary reported S. 270 to the Senate on March 20, 1997 (No Written Report). No further action was taken on S. 270 in the 105th Congress.

On April 1, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 629 and passed the bill, amended. H.R. 629 was returned to the House on April 21, 1998.

On May 12, 1998, the House disagreed to the Senate amendment, requested a conference with the Senate and appointed conferees. H.R. 629 was returned to the Senate on May 13, 1998. On June 15, 1998, the Senate insisted on its amendment, agreed to a conference with the House, and appointed conferees. The Senate also agreed, by unanimous consent, to a motion to instruct Senate conferees to include the Wellstone amendments in any conference agreement. The conference report was filed in the House on July 16, 1998 (H. Rpt. 105-630).

On July 16, 1998, the Committee on Rules met and granted a rule providing for the consideration of the conference report. The rule was filed in the House as H. Res. 511. On July 29, 1998, the House passed H. Res. 511 by a roll call vote of 313 yeas to 108 nays.The House then considered the conference report on H.R. 629 and agreed to the conference report by a roll call vote of 305 yeas to 117 nays.

On September 1, 1998, by unanimous consent, the Senate began consideration of the conference report on H.R. 629. On September 2, 1998, the Senate agreed to the conference report by a roll call vote of 78 yeas to 15 nays, clearing the measure for the President.

H.R. 629 was presented to the President on September 10, 1998. The President signed H.R. 629 into law on September 20, 1998 (Public Law 105-236).

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Public Law 105-261 (H.R. 3616, S. 2057, S. 2060)

(Energy Related Provisions)

To authorize appropriations for fiscal year 1999 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 105-261 includes a number of provisions which fall within the jurisdiction of the Committee on Commerce, including several provisions 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. 3616.

Section 3134 of the Public Law provides for licensing by the Nuclear Regulatory Commission (NRC) of any facility constructed by the Department of Energy (DOE) for the fabrication of mixed plutonium-uranium oxide fuel for use in commercial nuclear reactors. Conferees from the Committee on Commerce supported inclusion of the language.

Section 3137 of the Public Law provides an alternative means of cost recovery for Department of Energy research and overhead expenses conducted on behalf of other Federal departments and agencies, State and local government agencies, and private persons and entities. The language is intended to simplify the process by which cost recovery is conducted, and its inclusion was supported by conferees from the Committee on Commerce.

Section 3139 of the Public Law establishes an Office of River Protection (ORP) at the Hanford site to provide specific management for the Tank Waste Remediation System privatization. The manager of the ORP will be directly responsible to DOE Headquarters for the project, in coordination with the Hanford Site Manager. Conferees from the Committee on Commerce supported the language's inclusion.

Section 3144 of the Public Law amends the Atomic Energy Act of 1954 to specifically prohibit the use of tritium produced in facilities licensed under the Act for nuclear explosive purposes.

Section 3151 of the Public Law provides for a phase out of worker and community transition assistance with respect to defense nuclear facilities by October 2000. The section also provides that such assistance remain in place for workers affected by any shutdown of the gaseous diffusion facilities, as provided by the USEC Privatization Act of 1996. Conferees from the Committee on Commerce were involved in the drafting of this language.

Section 3152 of the Public Law extends the authority for the appointment of certain scientific, engineering, and technical personnel for the Department of Energy. This will allow the Department to continue the hiring of qualified professionals without regard to the provisions governing the appointments in the competitive service, and General Schedule classification schedules and pay rates contained in title 5, United States Code. Conferees from the Committee on Commerce supported the inclusion of this section.

Section 3155 of the Public Law provides for an increase in the rate of pay for scientific, engineering, and technical personnel responsible for safety at defense nuclear facilities. Conferees from the Committee on Commerce supported the inclusion of this section.

Section 3201 of the Public Law authorizes the activities of the Defense Nuclear Facilities Safety Board. Conferees from the Committee on Commerce supported the inclusion of this section.

Sections 3401-3406 of the Public Law provide for the disposal of portions of the Naval Petroleum Reserve and the transfer of "administrative jurisdiction" over portions of the Naval Petroleum and Oil Shale Reserves to the Secretary of the Interior.

Legislative History

H.R. 3616 was introduced in the House by Representatives Spence and Skelton on April 1, 1998, and referred solely to the Committee on National Security. The Committee on National Security met to consider H.R. 3616 on May 6, 1998, and ordered the bill reported to the House, amended, by a voice vote. On May 12, 1998, the Committee on National Security reported H.R. 3616 to the House (H. Rpt. 105-532).

The Committee on Rules met on May 14, 1998, and granted a rule providing for the consideration of H.R. 3616. The rule was filed in the House as H. Res. 435. On May 19, 1998, the House passed H. Res. 435 by a voice vote. On May 19, 1998, the Committee on Rules met and granted a second rule providing for the further consideration of H.R. 3616. The rule was filed in the House as H. Res. 441. On May 20, 1998, the House passed H. Res. 441 by a roll call vote of 304 yeas to 108 nays.

The House considered H.R. 3616 on May 19, May 20, and May 21, 1998; and on May 21, 1998, passed the bill, amended, by a roll call vote of 357 yeas to 60 nays. On May 22, 1998, H.R. 3616 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2060 and placed on the Senate

Calendar (S. Rpt. 105-189). On May 11, 1998, the Senate Committee on Armed Services reported an original measure to the Senate, which was introduced in the Senate by Mr. Thurmond as S. 2057 and placed on the Senate Calendar (No Written Report).

The Senate considered S. 2057 on May 13, May 14, June 18, June 19, June 22, June 23, June 24, and June 25, 1998. On June 25, 1998, the Senate passed S. 2057, amended, by a roll call vote of 88 yeas to 4 nays. S. 2057 was received in the House on July 20, 1998, and held at the desk. On October 21, 1998, S. 2057 was referred to the House Committee on National Security. No further action was taken on S. 2057 in the 105th Congress.

On June 25, 1998, the Senate, by unanimous consent, took H.R. 3616 from the Senate Calendar and passed the bill, amended with the text of S. 2057 as passed by the Senate. The Senate insisted on its amendment to H.R. 3616, requested a conference with the House, and appointed conferees.

On July 22, 1998, the House disagreed to the Senate amendment to H.R. 3616, agreed to a conference with the Senate, and appointed conferees. Members of the Committee on Commerce were appointed as conferees. On July 22, and July 23, 1998, the House considered a motion to instruct the conferees. On July 23, 1998, the House agreed to a motion to instruct the conferees by a roll call vote of 424 yeas to 0 nays, with 1 voting present. The House also agreed to a motion to close portions of the conference by a roll call vote of 412 yeas to 5 nays.

The conference report on H.R. 3616 was filed in the House on September 22, 1998 (H. Rpt. 105-736).

The Committee on Rules met on September 23, 1998, and granted a rule providing for the consideration of the conference report on H.R. 3616. The rule was filed in the House as H. Res. 549. On September 24, 1998, the House passed H. Res. 549 by a voice vote.

The House agreed to the conference report by a roll call vote of 373 yeas to 50 nays on September 24, 1998. The Senate considered the conference report on September 30, and October 1, 1998; and on October 1, 1998, the Senate agreed to the conference report by a roll call vote of 96 yeas to 2 nays.

H.R. 3616 was presented to the President on October 6, 1998. The President signed H.R. 3616 into law on October 17, 1998 (Public Law 105-261).

EXTENSION OF THE FEDERAL POWER ACT DEADLINE APPLICABLE TO THE CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ARKANSAS

Public Law 105-283 (H.R. 4081)

To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

Summary

The purpose of H.R. 4081 is to extend the statutory deadline for the commencement of construction of a hydroelectric project in the State of Arkansas (Project No. 10455).

Section 13 of the Federal Power Act establishes time limits for the 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 two years from the date the license is issued, unless FERC extends the deadline. Section 13 permits FERC to grant only one two-year extension of that deadline. Therefore, a license is subject to termination if a licensee fails to begin construction within four years.

H.R. 4081 authorizes the FERC to extend the deadline for the commencement of construction for a 600 megawatt hydroelectric project (Project No. 10455) in Logan County, Arkansas for up to three additional two-year periods. H.R. 4081 does not ease the requirements of a license, but merely extends the period for commencement of construction.

Legislative History

On June 18, 1998, Mr. Hutchinson introduced H.R. 4081 in the House. The bill was referred solely to the Committee on Commerce.

On September 17, 1998, the Subcommittee on Energy and Power met in open markup session to consider H.R. 4081 and approved the bill for Full Committee consideration, without amendment, by a voice vote.

On September 24, 1998, the Full Committee met in open markup session to consider H.R. 4081 and ordered the bill reported to the House, without amendment, by a voice vote, a quorum being present. The Committee on Commerce reported H.R. 4081 to the House on September 25, 1998 (H. Rpt. 105-748).

On September 28, 1998, the House considered H.R. 4081 under Suspension of the Rules and passed the bill by a voice vote. H.R. 4081 was received in the Senate on October 1, 1998, and read twice. On October 7, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of H.R. 4081 and passed the bill, without amendment, clearing the measure for the President.

H.R. 4081 was presented to the President on October 14, 1998. The President signed H.R. 4081 into law on October 26, 1998 (Public Law 105-283).

COMMUNITY OPPORTUNITIES, ACCOUNTABILITY, AND TRAINING AND EDUCATIONAL SERVICES ACT OR 1998 OR THE COATS HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Public Law 105-285 (S. 2206, H.R. 4271)

To amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

Summary

Title III of Public Law 105-285 reauthorizes and amends the Low Income Home Energy Assistance Act of 1981 (LIHEAP). The amendments (1) reauthorize LIHEAP program through Fiscal Year 2004; (2) improve the ability of the President to release contingency funds in the event of natural disasters and emergencies by clarify-

ing the criteria for release of these funds; (3) reauthorize the leveraging program through Fiscal Year 2004, capped at the annual level of $30 million; (4) disallow transfer of LIHEAP funds to other Federal block grant programs; and (5) require the General Accounting Office to evaluate the Residential Energy Assistance Challenge Option program (REACH).

Legislative History

On June 23, 1998, Mr. Coats and three cosponsors introduced S. 2206 in the Senate. The bill was read twice and referred to the Senate Committee on Labor and Human Resources. The Senate Committee on Labor and Human Resources considered S. 2206 on June 24, 1998, and ordered the bill reported to the Senate, with an amendment in the nature of a substitute. The Senate Committee on Labor and Human Resources reported S. 2206 to the Senate on July 21, 1998 (S. Rpt. 105-256). On July 27, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of S. 2206, and passed the bill with an amendment. S. 2206 was received in the House on July 28, 1998, and held at the desk.

H.R. 4271, a companion bill, was introduced in the House on July 17, 1998, by Mr. Riggs and four cosponsors. The bill was referred solely to the Committee on Education and the Workforce. The Committee on Education and the Workforce considered H.R. 4271 on July 29, 1998, and ordered the bill reported to the House, amended, by a voice vote. On August 6, 1998, the Chairman of the Committee on Commerce sent a letter to the Chairman of the Committee on Education and the Workforce indicating that H.R. 4271, as ordered reported, included provisions within the jurisdiction of the Commerce Committee. The Chairman further stated that, in order to expedite consideration, of this measure by the House, the Committee on Commerce would not seek a sequential referral of H.R. 4271, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation. The Committee on Education and the Workforce reported H.R. 4271 to the House on August 7, 1998 (H. Rpt. 105-686). No further action was taken on H.R. 4271 in the 105th Congress.

The House considered S. 2206 under Suspension of the Rules on September 14, 1998, and passed the bill with an amendment which included provisions of H.R. 4271, as reported to the House by the Committee on Education and the Workforce, by a roll call vote of 346 yeas to 20 nays. On September 15, 1998, S. 2206 was returned to the Senate.

On September 18, 1998, the Senate disagreed with the House amendment to S. 2206, requested a conference with the House, and appointed conferees. On September 24, 1998, the House insisted on its amendment to S. 2206, agreed to a conference with the Senate, and appointed conferees. On September 29, 1998, the Chairman of the Committee on Commerce sent a letter to the Speaker indicated that the Committee on Commerce would waive its right to seek conferees for the House-Senate conference on S. 2206 in order to expedite consideration of this legislation, provided such action would not prejudice the Committee's jurisdictional interests or prerogatives in the future on LIHEAP or related legislation. The con-

ference report on S. 2206 was filed in the House on October 6, 1998 (H. Rpt. 105-788).

On October 8, 1998, by unanimous consent, the Senate proceeded to the immediate consideration of the conference report and agreed to the conference report. On October 9, 1998, the House considered the conference report under Suspension of the Rules, and agreed to the conference report by a voice vote.

S. 2206 was presented to the President on October 15, 1998. The President signed S. 2206 into law on October 27, 1998 (Public Law 105-285).

GLACIER BAY NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 1998

Public Law 105-317 (H.R. 3903)

To provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

Summary

The purpose of H.R. 3903 is to authorize a land exchange between the State of Alaska and the United States to facilitate the construction and operation of a small hydroelectric project near Gustavus, Alaska. H.R. 3903 makes development of the hydroelectric facility possible through an equal value land exchange between the United States and the State of Alaska. Under the Act, this exchange (and construction of the hydroelectric project) is subject to certain conditions. These conditions include: (1) a finding by the Federal Energy Regulatory Commission (FERC) that the proposed project will have no adverse impact on the purposes and values of Glacier Bay National Park; and (2) FERC issuance of a license for the facility.

Legislative History

On May 19, 1998, Mr. Young of Alaska introduced H.R. 3903 in the House. The bill was referred to the Committee on Resources, and in addition to the Committee on Commerce. Within the Committee on Commerce, the bill was referred to the Subcommittee on Energy and Power.

The Committee on Resources considered H.R. 3903 on July 22, 1998, and ordered the bill reported to the House, amended, by a voice vote.

During the Resources Committee's consideration of H.R. 3903, the Committee on Commerce worked with the Resources Committee to address the Commerce Committee's concerns with the bill. As a result of these negotiations, an agreement was reached on a manager's amendment which would be offered on the House Floor. On September 8, 1998, 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 of this measure by the House, the Committee on Commerce would not seek an extension of its referral of H.R. 3903, provided such action would not prejudice the Commerce Committee's future jurisdictional interests in the legislation.

On September 9, 1998, the Chairman of the Committee on Resources sent a letter to the Chairman of the Committee on Commerce confirming the agreement reached between the two Committees on H.R. 3903 and acknowledging the Commerce Committee's jurisdictional concerns and prerogatives with respect to this bill.

The Committee on Resources reported H.R. 3903 to the House on September 11, 1998 (H. Rpt. 105-706, Part 1). On September 11, 1998, the referral of H.R. 3903 to the Committee on Commerce was extended for a period ending not later than September 11, 1998. On September 11, 1998, the Committee on Commerce was discharged from further consideration of H.R. 3903.

The House considered H.R. 3903 under Suspension of the Rules on September 15, 1998, and passed the bill, amended, by a voice vote. On September 15, 1998, H.R. 3903 was received in the Senate, read twice, and placed on the Senate Calendar.

On October 2, 1998, by unanimous consent, the Senate proceed to the immediate consideration of H.R. 3903, and passed the bill without amendment. On October 8, 1998, by unanimous consent, the Senate vitiated the passage of H.R. 3903 which occurred on October 2, 1998. The Senate then proceeded, by unanimous consent, to reconsider H.R. 3903, and passed the bill, amended, on October 8, 1998. H.R. 3903 was returned to the House on October 9, 1998, and held at the desk.

On October 10, 1998, by unanimous consent, the House took H.R. 3903 from the desk and agreed to the Senate amendment to H.R. 3903, clearing the measure for the President.

H.R. 3903 was presented to the President on October 20, 1998. The President signed H.R. 3903 into law on October 30, 1998 (Public Law 105-317).

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Public Law 105-388 (S. 417, H.R. 4017)

To extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.

Summary

Section 1 of Public Law 105-388 provides a short title. Section 2 extends energy conservation programs authorized by the Energy Policy and Conservation Act. Section 3 extends an energy conservation program authorized by the Energy Conservation and Production Act. Section 4 expands use of energy savings performance contracts by Federal agencies. Section 5 makes technical changes to the Energy Policy and Conservation Act, Energy Conservation and Production Act, and National Energy Conservation Policy Act, correcting spelling errors, punctuation errors, and other errors. Section 6 restores the authority of the President to allocate materials and equipment in order to maximize domestic energy supplies under certain circumstances. Section 7 promotes the use of biodiesel fuel by providing credits for use of biodiesel fuel by fleets and covered persons to offset their obligation to purchase alternative fueled vehicles established by the Energy Policy Act of 1992. Section 8 amends the Energy Policy Act of 1992 to require Federal

agencies to report on their compliance with the alternative fueled vehicle purchase requirements in the Act and in Executive Order 13031. Section 9 provides for access by the State of Hawaii to petroleum from the Strategic Petroleum Reserve in the event of a drawdown. Section 10 reauthorizes an Indian energy resource development program in the Energy Policy Act of 1992. Section 11 amends the Energy Policy Act of 1992 to provide additional funds for cleanup of contaminated thorium sites.

Legislative History

On March 10, 1997, Mr. Murkowski introduced S. 417 in the Senate. The bill was read twice and referred to the Senate Committee on Energy and Natural Resources. On May 21, 1997, the Senate Committee on Energy and Natural Resources ordered S. 417 reported to the Senate, amended. On June 11, 1997, the Senate Committee on Energy and Natural Resources reported S. 417 to the Senate (S. Rpt. 105-25). On June 27, 1997, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 417, and passed the bill. S. 417 was received in the House on July 8, 1997, and held at the desk.

On September 16, 1997, the Subcommittee on Energy and Power held a hearing on H.R. 2472 which also addressed energy conservation and export promotion programs authorized by the Energy Policy and Conservation Act and the Energy Conservation and Production Act and proposed amendments to the National Energy Conservation Policy Act.

On June 9, 1998, Mr. Dan Schaefer introduced H.R. 4017 in the House. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Energy and Power met in open markup session to consider H.R. 4017 on June 11, 1998, 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. 4017 on August 5, 1998, and ordered the bill reported to the House, amended, by a voice vote. The Committee on Commerce reported H.R. 4017 to the House on September 17, 1998 (H. Rpt. 105-727). As reported to the House, H.R. 4017 included legislative language representing a substitute for the text of H.R. 2658, the Energy Policy Act Amendments of 1997. For the legislative history of that bill, see the discussion of H.R. 2568 in this section.

On September 28, 1998, the House considered H.R. 4017 under Suspension of the Rules, and passed the bill, amended, by a voice vote. On September 28, 1998, by unanimous consent, the House took S. 417 from the desk and passed the bill after striking all after the enacting clause and inserting the text of H.R. 4017, as passed by the House. The House also amended the title of the Senate bill. H.R. 4017 was then laid on the table.

S. 417 was returned to the Senate on October 1, 1998. On October 8, 1998, by unanimous consent, the Senate concurred in the House amendments to S. 417 with a further amendment. On October 9, 1998, S. 417 was returned to the House. On October 15, 1998, the House, under Suspension of the Rules, agreed to the Senate amendment to the House amendments to S. 417 by a voice vote, clearing the measure for the President.

S. 417 was presented to the President on November 2, 1998. The President signed S. 417 into law on November 13, 1998 (Public Law 105-388).

NUCLEAR WASTE POLICY ACT OF 1997

(H.R. 1270, S. 104)

To amend the Nuclear Waste Policy Act of 1982.

Summary

The purpose of H.R. 1270 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. 1270 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 sets forth 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, Nevada, 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

Mr. Upton and 58 cosponsors introduced H.R. 1270 on April 10, 1997. The measure was referred to the Committee on Commerce, and in addition to the Committee on Resources and the Committee on Transportation and Infrastructure.

The Subcommittee on Energy and Power held a legislative hearing on H.R. 1270 on April 29, 1997. Witnesses included Members of Congress; representatives from the Department of Energy, the Nuclear Regulatory Commission, and the Nuclear Waste Technical Review Board; State and local government representatives, and representatives from nuclear utilities and the environmental community.

On July 31, 1997, the Subcommittee on Energy and Power met in open mark-up session to consider H.R. 1270, and approved the bill for Full Committee consideration, amended, by a roll call vote of 21 yeas to 3 nays.

The Full Committee met on September 18, 1997, in open markup session to consider H.R. 1270, and ordered the measure reported to the House, amended, by a roll call vote of 43 yeas to 3 nays. On October 1, 1997, the Committee on Commerce reported H.R. 1270 to the House (H. Rpt. 105-290, Part 1). On October 1, 1997, the referral of H.R. 1270 to the Committee on Transportation and Infrastructure was extended for a period ending not later than October 1, 1997. On October 1, 1997, the Committee on Transportation and Infrastructure was discharged from further consideration of H.R. 1270.

On October 1, 1997, the referral of H.R. 1270 to the Committee on Resources was extended for a period ending not later than October 21, 1997. The Committee on Resources met on October 8, 1997, in open markup session to consider H.R. 1270, and ordered the measure reported to the House unfavorably, amended, by a voice vote. On October 21, 1997, the Committee on Resources reported H.R. 1270 to the House (H. Rpt. 105-290, Part 2).

On October 24, 1997, the Committee on Rules met and granted a rule providing for the consideration of H.R. 1270. The rule was filed in the House as H. Res. 280. On October 28, 1997, the Committee on Rules met and granted a second rule providing for the consideration of H.R. 1270. The second rule was filed in the House as H. Res. 283. On October 29, 1997, the House passed H. Res. 283 by a roll call vote of 259 yeas to 155 nays.

The House considered H.R. 1270 on October 29 and October 30, 1997, and on October 30, 1997, passed the bill, amended, by a roll call vote of 307 yeas to 120 nays.

On October 31, 1997, the House passed H. Res. 288 by a roll call vote of 214 yeas to 198 nays. H. Res. 288, a resolution providing for the consideration of H.R. 2476, included a provision which laid H. Res. 280 on the table.

On February 23, 1998, H.R. 1270 was received in the Senate, read twice, and placed on the Senate Calendar.

On May 22, 1998, an objection was heard to a unanimous consent request for the Senate to proceed to the consideration of H.R. 1270. A motion to proceed to the consideration of H.R. 1270 was then made in the Senate, a cloture motion to close debate on the motion to proceed to the consideration of H.R. 1270 was presented in the Senate, and a vote on the cloture motion was scheduled for June 2, 1998. The motion to proceed to the consideration of H.R. 1270 was then withdrawn on May 22, 1998, On June 2, 1998, by a roll call vote of 56 yeas to 39 nays, the Senate failed to close further debate on the motion to proceed to the consideration of H.R. 1270. No further action on H.R. 1270 was taken by the Senate in the 105th Congress.

S. 104, a similar bill, was introduced in the Senate on January 21, 1997, by Mr. Murkowski and eighteen cosponsors. The bill was read twice and referred to the Committee on Energy and Natural Resources. On March 13, 1997, the Senate Committee on Energy and Natural Resources considered S. 104 and ordered the bill reported to the Senate, amended. On March 14, 1997, the Senate Committee on Energy and Natural Resources reported S. 104 to the Senate (No Written Report). The Senate considered S. 104 on April 9, April 10, April 14, and April 15, 1997; and on April 15, 1997, passed the bill amended, by a roll call vote of 65 yeas to 34 nays. On April 16, 1997, S. 104 was received in the House and held at the desk. On March 5, 1998, the House passed, by a voice vote, H. Res. 379, a resolution returning S. 104 to the Senate because S. 104 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 S. 104 contained provisions repealing a present-law revenue measure and creating a user fee, S. 104 could not originate in the Senate. No further action was taken on S. 104 in the 105th Congress.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1998

(H.R. 3610)

To authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

Summary

H.R. 3610 authorizes the oilheat industry to establish an oilheat check-off fee to fund research, development, and consumer education activities with respect to heating oil and heating oil utilization equipment. Under the bill, the oilheat industry is authorized to conduct a referendum among its retailers and wholesalers for the creation of a National Oilheat Research Alliance (NORA or the Alliance). If the oilheat industry approves such a referendum, NORA would be authorized to collect annual assessments from oilheat wholesalers to cover its planning and program costs. The Alliance would then be authorized to allocate these collected funds to conduct research and development of oilheat utilization equipment, to promote consumer education, and to inform and educate the public about safety and other issues associated with the use of oilheat.

Legislative History

H.R. 3610 was introduced by Mr. Greenwood and 33 cosponsors on March 31, 1998. the bill was referred solely to the Committee on Commerce.

The Subcommittee on Energy and Power held a legislative hearing on H.R. 3610, the National Oilheat Research Alliance Act of 1998, on June 16, 1998. Testimony was received from representatives of the heating oil industry, a natural gas distributor, and the Propane Education and Research Council.

On September 17, 1998, the Subcommittee on Energy and Power met in open markup session and approved H.R. 3610 for Full Committee consideration, amended, by a voice vote. On September 24, 1998, the Full Committee met in open markup session and ordered H.R. 3610 reported to the House, amended, by a voice vote. On October 6, 1998, the Committee on Commerce reported H.R. 3610 to the House (H. Rpt. 105-787, Part 1). On October 6, 1998, H.R. 3610 was referred to the Committee on Science, sequentially, for a period ending not later than October 7, 1998. On October 7, 1998, the Committee on Science was discharged from further consideration of H.R. 3610.

The House considered H.R. 3610 under Suspension of the Rules on October 10, 1998, and passed the bill by a voice vote.

H.R. 3610 was received in the Senate on October 12, 1998. No further action was taken by the Senate on this legislation in the 105th Congress.

DEPARTMENT OF ENERGY CIVILIAN RESEARCH AND DEVELOPMENT ACT OF 1997

(H.R. 1277)

To authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes.

Summary

The Department of Energy (DOE) conducts a host of research and development (R&D) activities originally intended to support the DOE's nuclear weapons program. This R&D now also supports a myriad of activities surrounding national energy security, such as development of alternative fuels, renewable energy sources, and the more environmentally-friendly use of fossil fuels. Additionally, DOE is involved in developing medical uses for nuclear energy, such as boron neutron capture therapy, and basic research in areas such as molecular biology and the Human Genome Project. Because of the immense environmental remediation challenges it faces, the DOE also specializes in the research and development of technologies to clean up the unique radioactive wastes which contaminate many DOE sites.

As reported by the Committee on Commerce, H.R. 1277 provides a specific direction for DOE by: (1) assigning DOE specific authorization levels for many research and development activities; (2) specifically prohibiting DOE from pursuing R&D in several areas: and (3) in many cases, limiting the amount of work DOE had intended to do in other areas. The bill contains authorization for six primary areas: (1) Energy Supply Research and Development; (2) Energy Assets Acquisition; (3) General Science and Research; (4) Science Assets Acquisition; (5) Fossil Energy Research and Development; and (6) Energy Conservation Research and Development.

Legislative History

H.R. 1277 was introduced in the House by Mr. Calvert on April 10, 1997. The bill was referred solely to the Committee on Science.

On April 16, 1997, the Committee on Science considered H.R. 1277 and ordered the bill reported to the House, amended, by a voice vote. On April 22, 1997, the Committee on Science reported H.R. 1277 to the House (H. Rpt. 105-67, Part 1). On April 22, 1997, H.R. 1277 was referred to the Committee on Commerce, sequentially, for a period ending not later than June 6, 1997.

The Subcommittee on Energy and Power held a legislative hearing on H.R. 1277 on May 20, 1997. A representative from the Department of Energy was the sole witness.

On May 22, 1997, the Subcommittee met in open markup session to consider H.R. 1277, and approved the bill, amended, for Full Committee consideration by a voice vote.

The Full Committee met in open markup session on June 4, 1997, to consider H.R. 1277, and ordered the bill reported to the House, amended, by a voice vote. On June 5, 1997, the referral of H.R. 1277 to the Committee on Commerce was extended for a period ending not later than June 9, 1997. On June 9, 1997, the Com-

mittee on Commerce reported H.R. 1277 to the House (H. Rpt. 105-67, Part 2).

No further action was taken on H.R. 1277 in the 105th Congress.

ELECTRIC CONSUMERS' POWER TO CHOOSE ACT OF 1997

(H.R. 655)

To give all American electricity consumers the right to choose among competitive providers of electricity, in order to secure lower electricity rates, higher quality services, and a more robust United States economy, and for other purposes.

Summary

H.R. 655 requires all States and public power entities to allow retail competition in electricity by December 15, 2000. If any State or municipal utility elects not to move to retail competition, the bill empowers the Federal Energy Regulatory Commission (FERC) to put in place a retail competition plan for such State or municipal utility. H.R. 655 authorizes competition in all retail services, including billing and metering. The bill requires States enacting retail competition plans to consider whether or not to impose fees for stranded costs and to consider issues related environmental impacts, universal service and reliability.

The bill also directs FERC to establish a program to issue Renewable Energy Credits to electric generators, providing for their sale or exchange. Under this program each electric generator selling electric energy after December 31, 2000, is required to submit Renewable Energy Credits to FERC in an amount equal to the required annual percentage (determined according to a specified schedule) of the total electric energy it generated in the preceding calendar year.

H.R. 655 also declares that the Public Utility Holding Company Act of 1935 shall cease to apply to any gas or electric utility company (including its respective holding company) when each State in which such company provides retail distribution service notifies FERC and the Securities and Exchange Commission of its determination that the pertinent retail customers are able to purchase such services at retail from any supplier on a competitively neutral and nondiscriminatory basis.

Finally, H.R. 655 amends the Public Utility Regulatory Policies Act of 1978 to declare that its requirements that electric utilities offer to purchase electric energy from qualifying cogeneration and small power production facilities at specified costs shall cease to apply to an electric utility if the State notifies FERC of its determination that the utility's retail customers are able to purchase retail electric energy services from any supplier on a competitively neutral and nondiscriminatory basis.

Legislative History

Mr. Dan Schaefer introduced H.R. 655 in the House on February 10, 1997. The bill was referred solely to the Committee on Commerce.

On October 21 and 22, 1997, the Subcommittee on Energy and Power held legislative hearings on H.R. 655 and several other elec-

tric utility restructuring proposals. Witnesses included representatives from nearly every sector of the electric utility industry: investor-owned, municipal and cooperative utilities, electricity marketers and independent power producers, as well as State regulators and large and small consumers.

No further action was taken on H.R. 655 in the 105th Congress.

CONSUMERS ELECTRIC POWER ACT OF 1997

(H.R. 1230)

To give all American electricity consumers the right to choose among competitive providers of electricity in order to secure lower electricity rates, higher quality services, and a more robust United States economy, and for other purposes.

Summary

H.R. 1230 provides for retail competition in electricity by January 1, 1999. Specifically, the bill declares that each person has the right to purchase electric service from any electric service provider. It also prohibits the imposition of exit fees or any other type of "protection" from competition for utilities. The bill also empowers the Federal Energy Regulatory Commission (FERC) to provide for nondiscriminatory access to transmission and distribution and to ensure that existing utilities cannot exercise market power (including the authority to order divestiture or other actions necessary to mitigate market power). Finally H.R. 1230 repeals the Public Utility Holding Company Act of 1935 and Section 210 of the Public Utility Regulatory Policies Act of 1978 when States determine that consumers have choice, but does not abrogate contracts entered into before the date of enactment.

Legislative History

H.R. 1230 was introduced in the House by Mr. DeLay on April 8, 1997. The bill was referred solely to the Committee on Commerce.

On October 21 and 22, 1997, the Subcommittee on Energy and Power held legislative hearings on H.R. 1230 and several other electric utility restructuring proposals. Witnesses included representatives from nearly every sector of the electric utility industry: investor-owned, municipal and cooperative utilities, electricity marketers and independent power producers, as well as State regulators and large and small consumers.

No further action was taken on H.R. 1230 in the 105th Congress.

RATEPAYER PROTECTION ACT

(H.R. 338)

To prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978.

Summary

H.R. 338 amends the Public Utility Regulatory Policies Act of 1978 to repeal its mandatory purchase provisions with respect to cogeneration and small power production facilities placed in service

after its enactment, except with respect to power purchase contracts entered into pursuant to such provisions which were in effect on the repeal date. The bill also provides that after January 7, 1997, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy or capacity pursuant to the provisions of the Public Utility Regulatory Policies Act of 1978 governing cogeneration and small power production. It also directs the Federal Energy Regulatory Commission to promulgate and enforce regulations to assure that utilities recover all costs associated with contracts for electric energy or capacity purchases from a qualifying facility executed prior to January 7, 1997.

Legislative History

H.R. 338 was introduced in the House by Mr. Stearns and seven cosponsors on January 7, 1997. The bill was referred solely to the Committee on Commerce.

On October 21 and 22, 1997, the Subcommittee on Energy and Power held legislative hearings on H.R. 338 and several other electric utility restructuring proposals. Witnesses included representatives from nearly every sector of the electric utility industry: investor-owned, municipal and cooperative utilities, electricity marketers and independent power producers, as well as State regulators and large and small consumers.

No further action was taken on H.R. 338 in the 105th Congress.

AMENDMENTS TO THE PUBLIC UTILITY REGULATORY POLICIES ACT

(H.R. 1359)

To amend the Public Utility Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers.

Summary

H.R. 1359 amends the Public Utility Regulatory Policies Act of 1978 to establish a National Electric System Public Benefits Fund, which will be administered by the National Electric System Public Benefits Board. The fund would provide matching funds to States for the support of eligible public purpose programs. Specifically, H.R. 1359 requires each electric power generation facility owner or operator, as a condition of transmitting power to any transmitting utility, to contribute funds determined by the Board to be necessary to generate revenues in each calendar year equal to one-half of the aggregate cost of implementing certain public purpose programs. The bill also authorizes any State to establish one or more public purpose programs and apply for matching funds under the Public Benefits Program. States have the discretion to elect to participate in such Program and the program is not intended to replace or supersede any existing programs that support or encourage conservation and energy efficiency, renewable energy, universal and affordable service, or research and development.

Legislative History

H.R. 1359 was introduced in the House by Mr. DeFazio and seven cosponsors on April 17, 1997. The bill was referred solely to the Committee on Commerce.

On October 21 and 22, 1997, the Subcommittee on Energy and Power held legislative hearings on H.R. 1359 and several other electric utility restructuring proposals. Witnesses included representatives from nearly every sector of the electric utility industry: investor-owned, municipal and cooperative utilities, electricity marketers and independent power producers, as well as State regulators and large and small consumers.

No further action was taken on H.R. 1359 in the 105th Congress.

ELECTRIC POWER COMPETITION AND CONSUMER CHOICE ACT OF 1997

(H.R. 1960)

To modernize the Public Utility Holding Company Act of 1935, the Federal Power Act, the Fair Packaging and Labeling Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry, and for other purposes.

Summary

H.R. 1960 directs States and public power providers to consider whether they will allow consumers to choose their own electricity supplier. It provides certain regulatory relief to utilities that opt to offer electric customer choice. Specifically, the bill amends the Public Utility Holding Company Act of 1935 (PUHCA) to allow States to opt for competition by certifying utilities under the jurisdiction of their State Utility Commission as "competitive." If deemed competitive, the utility is no longer subject to requirements under section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). H.R. 1960 does not abrogate current contracts but invokes PURPA requirements if a utility's certification as competitive is revoked. PURPA is amended to require each utility to meet (a) either the Federal retail competition standards or divest itself of its generating assets; and (b) public benefit certification.

H.R. 1960 empowers the Federal Energy Regulatory Commission (FERC), by amending the Federal Power Act (FPA), to prevent market power, to require generating facilities not currently subject to all of the requirements of the Clean Air Act to meet current standards, and to establish safety and power standards. The bill amends the Fair Labeling Standards Act to empower the Federal Trade Commission, in consultation with the Environmental Protection Agency (EPA) to develop regulations on disclosure. The bill also includes privacy protections for individuals.

H.R. 1960 mandates that, starting in 1998, generators must have renewable energy credits that amount to 3 percent of their generation from renewable resources, increasing to 10 percent by 2010. Each electric service provider will be required to contribute to maintain universal service, including "just, reasonable, and affordable rates." It further amends the FPA to empower FERC to oversee mandatory reliability councils to which each utility must belong.

Legislative History

H.R. 1960 was introduced in the House by Mr. Markey on June 19, 1997. The bill was referred solely to the Committee on Commerce.

On October 21 and 22, 1997, the Subcommittee on Energy and Power held legislative hearings on H.R. 1960 and several other electric utility restructuring proposals. Witnesses included representatives from nearly every sector of the electric utility industry: investor-owned, municipal and cooperative utilities, electricity marketers and independent power producers, as well as State regulators and large and small consumers.

No further action was taken on H.R. 1960 in the 105th Congress.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1999

(H.R. 3532)

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes.

Summary

H.R. 3532 authorizes the activities of the Nuclear Regulatory Commission (NRC or the Commission) for Fiscal Year 1999, extends the authorization for the NRC to collect 100 percent of its budget through user fees and annual charges to the end of Fiscal Year 2003, and makes a number of changes to the Commission's authorizing statutes. The NRC is responsible for regulating the nation's utilization of radioactive materials and ensuring the protection of public health and safety in the use of nuclear materials.

The proposed changes to the NRC's authorizing statutes have been advocated by the Commission. Most deal with updating current statutory provisions to reflect the changing regulatory framework, the passage of other statutes necessitating changes in the NRC statutes, or clarifications of statutory intent.

Legislative History

H.R. 3532 was introduced in the House by Mr. Dan Schaefer on March 24, 1998. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Energy and Power held a legislative hearing on the NRC's proposed Fiscal Year 1999 budget and H.R. 3532 on March 25, 1998. The four Commissioners of the NRC were the only witnesses.

On April 22, 1998, the Subcommittee on Energy and Power met in open markup session and approved H.R. 3532, without amendment, for Full Committee consideration, by a voice vote.

On April 29, 1998, the Committee on Commerce met in open markup session and ordered H.R. 3532 reported to the House, without amendment, by a voice vote, a quorum being present. On August 6, 1998, the Committee on Commerce reported H.R. 3532 to the House (H. Rpt. 105-680).

No further action was taken on H.R. 3532 in the 105th Congress.

ENERGY POLICY ACT AMENDMENTS OF 1997

(H.R. 2568)

To amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

Summary

H.R. 2568 amends the Energy Policy Act of 1992 (EPAct) and the Energy Policy and Conservation Act (EPCA) to promote the use of biodiesel fuel. Section 101 amends the EPAct to define biodiesel and biodiesel blends with at least 20 percent biodiesel content as alternative fuels, and creates certain new definitions. Section 102 provides that conversion of vehicles can be considered acquisition, and defines biodiesel and biodiesel blends as "alternative fuels" for purposes of EPCA. Section 103 amends the EPAct to provide that conversion of vehicles is acquisition for purposes of complying with purchase mandates; provides for acquisition or conversion of heavy duty vehicles or heavy duty marine vessels; and establishes a credit for alternative fueled vehicles that demonstrate use of alternative fuel. Section 104 directs the Department of Energy (DOE) to carry out the EPAct in a manner that is neutral with respect to various alternative fuels and vehicles.

Section 201 amends the State incentives program in the EPAct to promote increased use of light and heavy duty alternative fueled vehicles. Section 202 permits Federal assistance for conversion of school buses. Section 203 directs DOE to study alternative fuel use and provides for study of marine vessels.

Section 301 directs DOE to determine whether the goals in section 502 of the EPAct should be modified. Section 302 provides that actions considered or credited as acquisitions shall be eligible for credits. Section 303 provides that DOE recommendations under the section 509 of the EPAct address incentives or requirements for conversions and exemptions for replacement fuels from fuel taxes.

Legislative History

On September 26, 1997, Mr. Shimkus and 23 cosponsors introduced H.R. 2568 in the House. The bill was referred solely to the Committee on Commerce.

The Subcommittee on Energy and Power held a legislative hearing on H.R. 2568 on July 21, 1998. Witnesses included representatives from DOE, the biodiesel industry, an urban transit authority, and the alternative fueled vehicle industry.

No further action was taken on H.R. 2568, however on August 5, 1998, the Full Committee met in open markup session to consider H.R. 4017, and ordered the bill reported to the House, amended, by a voice vote. As ordered reported to the House, H.R. 4017 included legislative language representing a substitute for the text of H.R. 2658, the Energy Policy Act Amendments of 1997. This legislative language was eventually enacted into law as part of Public Law 105-388. For the legislative history of H.R. 4017, see the discussion of that bill in this section.

AMENDMENTS TO THE FEDERAL POWER ACT

(S. 439)

To provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes.

Summary

Section 1 of S. 439 adds a new part 32 to the Federal Power Act (FPA) that directs the Federal Energy Regulatory Commission (FERC) to discontinue exercising its authority under section 4(e) and section 23(b) over new, small hydroelectric projects (5 megawatts or less) in the State of Alaska upon a FERC determination that the State of Alaska has a regulatory program for hydroelectric development in place that (1) protects the public interest, the purposes listed in (2), and the environment to the same extent; (2) gives equal consideration to energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife, the protection of recreational opportunities, the preservation of other aspects of environmental quality, the interests of Alaskan Natives, and other beneficial uses; and (3) imposes other requirements prescribed by Federal and State resource agencies. Existing projects may elect to switch to State licensing or regulation of their projects. A State license or exemption from licensing for hydroelectric projects on Federal public lands would be subject to approval by the Federal agency with jurisdiction over such lands, and such conditions as the agency may prescribe. FERC is required to consult with the Department of the Interior and the Department of Agriculture before certifying the State of Alaska's regulatory program. FERC is authorized to reassert its licensing and regulatory authority under the FPA if it finds the State of Alaska does not comply with section 1.

Section 2 amends section 4(e) of the FPA to preclude voluntary FERC licensing of hydroelectric projects on fresh waters in the State of Hawaii. Section 4(e) authorizes FERC to license projects that are not required to be licensed by FERC under section 23(b) of the Act. The State of Hawaii has taken the position that there is a need to preclude voluntary FERC licensing to prevent "claim jumping" by business competitors, to prevent FERC preemption of State stream regulation, and to ensure application of Hawaiian water law. FERC has never licensed a hydroelectric project in Hawaii and has no pending applications. Projects required to be licensed under section 23(b) would still have to be licensed.

Section 3 blocks FERC enforcement action against a hydroelectric licensee in New Mexico. The license in question required that the licensee obtain control over the transmission line associated with the project. Over the past 13 years, the licensee has failed to comply with this requirement, despite repeated letters and compliance orders from FERC. FERC is prepared to take enforcement action against the licensee for failure to comply with its license, but has refrained from taking such action over the past four years out of deference to Congressional interest in the matter. Sec-

tion 3 provides that Part I of the FPA does not apply to the transmission line.

Section 4 amends section 13 of the Federal Power Act to give licensees ten years to commence construction of a hydroelectric project. Section 13 requires that licensees begin construction not more than two years from the date a license is issued, unless FERC extends the initial deadline. However, Section 13 permits FERC to grant only one two-year extension of that deadline. A license will be terminated if a licensee fails to begin construction in a timely manner. Congress has often passed legislation to extend the construction deadlines for individual projects.

Section 5 restores a sentence in the FPA that was erroneously deleted by the General Accounting Office Act of 1996. However, that sentence was previously restored in H.R. 1184 which was enacted into law as Public Law 105-192.

Legislative History

On March 13, 1997, Mr. Murkowski and two cosponsors introduced S. 439 in the Senate. The bill was read twice and referred to the Senate Committee on Energy and Natural Resources.

On September 24, 1997, the Senate Committee on Energy and Natural Resources ordered S. 439 reported to the Senate, amended. The Senate Committee on Energy and Natural Resources reported S. 439 to the Senate on October 15, 1997 (S. Rpt. 105-111).

On June 25, 1998, the Senate, by unanimous consent, proceeded to the immediate consideration of S. 439 and passed the bill amended. On July 14, 1998, the bill was received in the House and referred solely to the Committee on Commerce.

On September 25, 1998, the Subcommittee on Energy and Power held a hearing on the Federal hydroelectric relicensing process. The hearing reviewed the Federal hydroelectric relicensing process, assessed whether there is a need to make improvements to this process, and focused on whether there is a need for Federal legislation to improve the process. The hearing also focused on S. 439. Witnesses at the hearing included Administration officials, industry representatives, State officials, recreational users, and representatives of the environmental community.

No further action was taken on S. 439 in the 105th Congress.

OVERSIGHT OR INVESTIGATIVE ACTIVITIES

DEPARTMENT OF ENERGY'S PROPOSED BUDGET FOR FISCAL YEAR 1998

On February 11, 1997, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's (DOE's) budget request for Fiscal Year 1998. The purpose of this hearing was to examine the funding priorities within DOE as the Department's mission shifts from nuclear weapons production to environmental remediation of its contaminated weapons facilities. Specifically, the hearing focused on DOE's Environmental Management privatization program; the nuclear waste program; energy security programs; the Bonneville Power Administration; the Strategic Petroleum Reserve; and the national laboratories. Testimony was received from the Acting Secretary of the Department of Energy and other representatives of the Department.

ELECTRICITY: WHY SHOULDN'T ALL CONSUMERS HAVE A CHOICE?

On April 14, 1997, April 18, 1997, May 2, 1997, and May 9, 1997, the Subcommittee on Energy and Power held a series of four field hearings in Atlanta, Georgia; Richmond, Virginia; Chicago, Illinois; and Dallas, Texas, respectively. The purpose of this series of hearings was to explore the feasibility and desirability of competition in the provision of retail electric utility service. The hearings focused on electric utility restructuring from a consumer perspective. Witnesses included representatives of small and low-income consumers of electricity, large consumers, independent power producers, utilities, and marketers, and State regulators and legislators.

ELECTRICITY: RELIABILITY AND COMPETITION

On June 19, 1997, the Subcommittee on Energy and Power held a hearing on reliability and competition in the electric utility industry. The hearing focused on the impact retail competition would have on the reliability of the interstate and intrastate electricity grids. The hearing also explored who should bear the responsibility for enforcing reliability standards and who should be required to participate in reliability standard setting organizations. Witnesses included representatives of electric utilities, an independent power producer, a marketer, a State regulator, and a utility worker union representative.

ELECTRICITY: PUBLIC POWER, TVA, BPA, AND COMPETITION

On July 9, 1997, the Subcommittee on Energy and Power held an oversight hearing on the role of public power and Federal electric utilities like the Tennessee Valley Authority (TVA), the Bonneville Power Administration (PMA), and the Power Marketing Administrations (PMAs). The hearing focused on the need for Federal legislation to address critical issues relating to the participation by public power in competitive electric markets and restructure the role of Federal electric utilities in these markets. Witnesses included representatives of TVA, BPA, electric utilities, State officials, and an Indian tribe.

THE ECONOMIC AND ENVIRONMENTAL IMPACT OF THE PROPOSED INTERNATIONAL GLOBAL CLIMATE CHANGE AGREEMENT

On July 15, 1997, the Subcommittee on Energy and Power held a hearing on the economic and environmental impact of the proposed international global climate change agreement. This hearing was a continuation of the Subcommittee's review of the Administration's global climate change policies and ongoing negotiations under the "Berlin Mandate." The hearing focused primarily on the Administration's long-promised economic analysis of the international climate change commitments the Administration was in the process of negotiating. Also discussed at the hearing was the impact future climate change commitments would have on jobs and the global economic competitiveness of the United States. Witnesses from the Department of State and the Council of Economic Advisors testified at the hearing.

ELECTRICITY: INNOVATION AND COMPETITION

On September 5, 1997, the Subcommittee on Energy and Power held a hearing on the impact retail competition in electricity would have on innovation in the electric utility industry. The hearing explored how competition would encourage innovation at every level: from generation and transmission to distribution and final consumption. Also discussed at the hearing was how the innovation spurred by competition could lower the cost of electricity, enhance reliability, and bring to the marketplace new products and services that give consumers more options. Witnesses at the hearing included representatives of electric utilities, marketers, and independent power producers, and other individuals and representatives of companies that are currently offering or planning to offer innovative products and services to electric consumers.

ELECTRICITY COMPETITION: NECESSARY FEDERAL AND STATE ROLES

On September 24, 1997, the Subcommittee on Energy and Power continued its exploration of issues related to retail competition in electricity by examining the roles of Federal and State regulators and policymakers. The hearing focused on legislative and regulatory changes which are necessary to provide consumers with retail choice in electricity. Also discussed at the hearing were how Federal and State policymakers and regulators can work together to assure that in an era of retail electric competition consumers have reliable, fair, and affordable access to electricity. Witnesses at the hearing included a State Governor, State legislators and regulators, and other government and private sector individuals and companies.

STATUS OF INTERNATIONAL GLOBAL CLIMATE CHANGE NEGOTIATIONS

On November 5, 1997, the Subcommittee on Energy and Power continued its examination of the Administration's global climate change policies. This hearing was held shortly before the Administration was scheduled to conclude its negotiations on the "Berlin Mandate". Discussion at the hearing focused on expectations for the negotiations in Kyoto, Japan. Also discussed at the hearing was the economic impact of the Administration's climate policies. Testifying at the hearing was the Honorable Timothy Wirth, Under Secretary of Global Affairs, Department of State.

DEPARTMENT OF ENERGY'S PROPOSED BUDGET FOR FISCAL YEAR 1999

The Subcommittee on Energy and Power held an oversight hearing on February 5, 1998, to examine the Department of Energy's proposed budget for Fiscal Year 1999. Witnesses included the Honorable Elizabeth A. Moler, the Deputy Secretary of Energy, and the Honorable Ernest J. Moniz, the Under Secretary of Energy. The hearing provided an in-depth look at the Department's proposed spending for Fiscal Year 1999 and focused on issues related to environmental management and restoration; the progress of the Department's site characterization effort at the proposed high-level radioactive waste repository at Yucca Mountain, Nevada; the nation's energy security; the Department's proposed spending on ac-

tivities to address climate change; and general departmental management.

KYOTO PROTOCOL AND ITS ECONOMIC IMPLICATIONS

On March 4, 1998, the Subcommittee on Energy and Power held a hearing to examine the impact of the "Kyoto Protocol" negotiated in December 1997. The two witnesses at this hearing were the Honorable Stuart Eizenstat, Under Secretary of State for Economic, Business, and Agricultural Affairs, and Dr. Janet Yellen, the Chair of the Council of Economic Advisers. Discussions focused on the commitments made at Kyoto, Japan; the Administration's plans to implement those commitments; and the lack of meaningful participation by developing countries in the Kyoto Protocol. The Subcommittee also examined the economic conclusions offered by the Administration regarding the projected costs to the U.S. economy of complying with the emission reduction targets contained in the Kyoto Protocol.

EXTERNAL REGULATION OF DEPARTMENT OF ENERGY NUCLEAR FACILITIES

On May 20, 1998, the Subcommittee on Energy and Power held an oversight hearing on proposals to require the independent regulation of Department of Energy (DOE) nuclear facilities. Witnesses from the Department of Energy and the Nuclear Regulatory Commission (NRC) testified at the hearing. The hearing examined a host of policy and implementation questions surrounding external regulation, including: the current state of DOE nuclear facilities; increased public confidence in DOE operations in an independently regulated environment; national security implications; and impacts on the decommissioning of DOE facilities.

ELECTRONIC COMMERCE: THE ENERGY INDUSTRY IN THE ELECTRONIC AGE

The Subcommittee on Energy and Power held one hearing as part of the Committee on Commerce's electronic commerce initiative. On July 15, 1998, the Subcommittee on Energy and Power held a hearing which focused on the impact of electronic commerce on the energy industry. The hearing examined the rise of on-line energy trading systems (sometimes referred to as power exchanges); the role of the Federal Energy Regulatory Commission's Open Access Same-Time Transmission System (OASIS) which provides on-line information to potential customers of transmission service; the use of World Wide Web sites by the natural gas industry to purchase, schedule, and deliver natural gas; and the future role of electronic commerce in promoting competition in the electric utility industry. Witnesses include representatives of energy trade associations, energy consulting firms, and businesses involved in on-line energy trading.

PROGRESS ON URANIUM MILL TAILINGS CLEANUP

The Subcommittee on Energy and Power, on July 27, 1998, held an oversight hearing on the Uranium Mill Tailings Radiation Con-

trol Act (UMTRCA), which governs the cleanup of a host of inactive and active uranium mill sites. The hearing examined the progress of the mill tailings remediation program, and the need for extended cleanup authority or other statutory changes. Testimony was received from representatives of the U.S. Department of Energy and the Colorado Department of Public Health and Environment and industry witnesses. Topics at the hearing included the progress of surface cleanup at Title I UMTRCA sites; ongoing groundwater remediation at Title I and Title II sites; surface cleanup progress at Title II sites; the adequacy of funding under Title X of the Energy Policy Act of 1992; and outstanding issues surrounding the general success of UMTRCA.

FEDERAL HYDROELECTRIC RELICENSING PROCESS

On September 25, 1998, the Subcommittee on Energy and Power held an oversight hearing on the Federal hydroelectric relicensing process. The hearing reviewed the Federal hydroelectric relicensing process, assessed whether there is a need to make improvements to this process, and focused on whether there is a need for Federal legislation to improve the process. The hearing also focused on S. 439, a bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes. Witnesses at the hearing included Administration officials, industry representatives, State officials, recreational users, and representatives of the environmental community.

ENERGY SECURITY: WHAT WILL THE NEW MILLENNIUM BRING?

On October 2, 1998, the Subcommittee on Energy and Power held an oversight hearing on the progress of energy supply and energy security in the 25 years since the Arab oil embargo, and examined the prospects for energy security as the United States enters the new millennium. Representatives from the Department of Energy, the Energy Information Administration, and the National Renewable Energy Laboratory, businesses representing the major energy sectors, firms involved in high-risk energy technology innovations, and think tanks testified at the hearing. The future role of fossil fuels, the impacts of energy conservation and energy efficiency efforts, and the roles of renewable energy and other cutting edge energy technologies were examined at the hearing. Also discussed were the important policy elements which would insulate the United States in a future energy crisis, and the importance of additional steps to provide for the Nation's future energy security.

THE KYOTO PROTOCOL: THE OUTLOOK FOR BUENOS AIRES AND BEYOND

On October 6, 1998, the Subcommittee on Energy and Power held a hearing to explore expectations for the international negotiations in Buenos Aires in November 1998 on the implementation of the Kyoto Protocol. This hearing also examined in detail the economic analysis of the Kyoto Protocol that was released by the Ad-

ministration in July 1998. This report was prepared in part to respond to Subcommittee requests for the detailed analysis and specific assumptions used by the Administration to reach the economic conclusions offered at the March 4, 1998 hearing held by the Subcommittee on Energy and Power. The first panel included witnesses from the State Department and the Council of Economic Advisers; the second panel included three economic experts who provided an independent assessment of the economic impacts of the Protocol. These experts forecast economic consequences more severe than those projected by the Administration.

TRANSFER OF BUREAU OF RECLAMATION HYDROELECTRIC PROJECTS

On October 7, 1998, the Subcommittee on Energy and Power requested executive comments from the Bureau of Reclamation and the Federal Energy Regulatory Commission (FERC) on various issues relating to the transfer of Bureau of Reclamation hydroelectric projects to non-Federal entities and the licensing of such projects by FERC upon transfer. The Subcommittee will continue to monitor this issue in the 106th Congress.

HEARINGS HELD

The Department of Energy's Proposed Budget for Fiscal Year 1998.—Oversight Hearing on the Department of Energy's Proposed Budget for Fiscal Year 1998. Hearing held on February 11, 1997. PRINTED, Serial Number 105-2.

Energy Related Legislation.—Hearing on H.R. 363, a bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program; and H.R. 649, the Department of Energy Standardization Act of 1997. Hearing held on February 26, 1997. PRINTED, Serial Number 105-3.

Electricity Utility Industry Restructuring: Why Shouldn't All Consumers Have A Choice?—Oversight Field Hearing in Atlanta, Georgia on Electricity Utility Industry Restructuring. Hearing held on April 14, 1997. PRINTED, Serial Number 105-40.

Electricity Utility Industry Restructuring: Why Shouldn't All Consumers Have A Choice?—Oversight Field Hearing in Richmond, Virginia on Electricity Utility Industry Restructuring. Hearing held on April 18, 1997. PRINTED, Serial Number 105-40.

The Nuclear Waste Policy Act of 1997.—Hearing on H.R. 1270, the Nuclear Waste Policy Act of 1997. Hearing held on April 29, 1997. PRINTED, Serial Number 105-27.

Electricity Utility Industry Restructuring: Why Shouldn't All Consumers Have A Choice?—Oversight Field Hearing in Chicago, Illinois on Electricity Utility Industry Restructuring. Hearing held on May 2, 1997. PRINTED, Serial Number 105-40.

Electricity Utility Industry Restructuring: Why Shouldn't All Consumers Have A Choice?—Oversight Field Hearing in Dallas, Texas on Electricity Utility Industry Restructuring. Hearing held on May 9, 1997. PRINTED, Serial Number 105-40.

The Texas Low-Level Radioactive Waste Disposal Compact Consent Act.—Hearing on H.R. 629, the Texas Low-Level Radioactive

Waste Disposal Compact Consent Act. Hearing held on May 13, 1997. PRINTED, Serial Number 105-17.

Department of Energy Civilian Research and Development Act of 1997.—Hearing on H.R. 1277, the Department of Energy Civilian Research and Development Act of 1997. Hearing held on May 20, 1997. PRINTED, Serial Number 105-32.

Electricity: Reliability and Competition.—Oversight Hearing on Electricity: Reliability and Competition. Hearing held on June 19, 1997. PRINTED, Serial Number 105-25.

Electricity: Public Power, TVA, BPA, and Competition.—Oversight Hearing held on Electricity: Public Power, Tennessee Valley Authority (TVA), Bonneville Power Administration (BPA), and Competition. Hearing held on July 9, 1997. PRINTED, Serial Number 105-37.

International Global Climate Change Negotiations.—Oversight Hearing held on The Economic and Environmental Impact of the Proposed International Global Climate Change Agreement. Hearing held on July 15, 1997. PRINTED, Serial Number 105-67.

Electricity: Innovation and Competition.—Oversight Hearing held on Electricity: Innovation and Competition. Hearing held on September 5, 1997. PRINTED, Serial Number 105-46.

Energy Policy and Conservation Act (EPCA) Fiscal Year 1998 Reauthorization.—Hearing held on H.R. 2472, a bill to extend certain programs under the Energy Policy and Conservation Act. Hearing held on September 16, 1997. PRINTED, Serial Number 105-42.

Electricity Competition: Necessary Federal and State Roles.—Oversight Hearing held on Electricity Competition: Necessary Federal and State Roles. Hearing held on September 24, 1997. PRINTED, Serial Number 105-49.

Electricity Competition.—Hearing held on H.R. 655, the Electric Consumers' Power to Choose Act of 1997; H.R. 338, the Ratepayer Protection Act; the H.R. 1230, the Consumers Electric Power Act of 1997; the H.R. 1359, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers; and H.R. 1960, the Electric Power Competition and Consumer Choice Act of 1997. Hearing held on October 21, 1997. PRINTED, Serial Number 105-65.

Electricity Competition.—Hearing held on H.R. 655, the Electric Consumers' Power to Choose Act of 1997; H.R. 338, the Ratepayer Protection Act; the H.R. 1230, the Consumers Electric Power Act of 1997; the H.R. 1359, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers; and H.R. 1960, the Electric Power Competition and Consumer Choice Act of 1997. Hearing held on October 22, 1997. PRINTED, Serial Number 105-65.

International Global Climate Change Negotiations.—Oversight Hearing held on the Status of International Global Climate Change Negotiations. Hearing held on November 5, 1997. PRINTED, Serial Number 105-67.

The Department of Energy's Proposed Budget for Fiscal Year 1999.—Oversight Hearing held on the Department of Energy's Proposed Budget for Fiscal Year 1999. Hearing held on February 5, 1998. PRINTED, Serial Number 105-87.

The Kyoto Protocol and Its Economic Implications.—Oversight Hearing on the Kyoto Protocol and Its Economic Implications. Hearing held on March 4, 1998. PRINTED, Serial Number 105-108.

Reauthorization of the Nuclear Regulatory Commission.—Hearing on H.R. 3532, the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1999. Hearing held on March 25, 1998. PRINTED, Serial Number 105-83.

External Regulation of Department of Energy Nuclear Facilities.—Oversight Hearing on the External Regulation of Department of Energy Nuclear Facilities. Hearing held on May 20, 1998. PRINTED, Serial Number 105-117.

The National Oilheat Research Alliance Act of 1998.—Hearing on H.R. 3610, the National Oilheat Research Alliance Act of 1998. Hearing held on June 16, 1998. PRINTED, Serial Number 105-99.

Electronic Commerce—Part 5.—Oversight Hearing on Electronic Commerce: The Energy Industry in the Electronic Age. Hearing held on July 15, 1998. PRINTED, Serial Number 105-115.

The Energy Policy Act Amendments of 1997.—Hearing on H.R. 2568, the Energy Policy Act Amendments of 1997. Hearing held on July 21, 1998. PRINTED, Serial Number 105-109.

Progress on Uranium Mill Tailings Cleanup.—Oversight Hearing on the Progress on Uranium Mill Tailings Cleanup. Hearing held on July 27, 1998. PRINTED, Serial Number 105-104.

The Federal Hydroelectric Relicensing Process.—Oversight Hearing on the Federal Hydroelectric Relicensing Process. The hearing also focused on S. 439, a bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes. Hearing held on September 25, 1998. PRINTED, Serial Number 105-138.

Energy Security: What Will the New Millennium Bring?.—Oversight Hearing on Energy Security: What Will the New Millennium Bring? Hearing held on October 2, 1998. PRINTED, Serial Number 105-125.

The Kyoto Protocol: The Outlook for Buenos Aires and Beyond.—Oversight Hearing on the Kyoto Protocol: The Outlook for Buenos Aires and Beyond. Hearing held on October 6, 1998. PRINTED, Serial Number 105-140.

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

INTRODUCTION

During the 105th Congress, the Subcommittee on Oversight and Investigations initiated major inquiries with respect to virtually all Federal agencies within the Committee's jurisdiction, including the Food and Drug Administration, the Department of Health and Human Services, the Environmental Protection Agency, the Nuclear Regulatory Commission, the Federal Communications Commission, and the Department of Energy. These investigations have provided the basis for enactment of corrective legislation in the 105th Congress, and will provide the foundation for legislative action in the 106th Congress. In addition, the Subcommittee's inquiries also have resulted in meaningful changes in the Executive Branch's implementation and enforcement of current law and the establishment of cost-saving measures in the operations of the various departments and agencies.

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 DEPARTMENT OF ENERGY

HEARINGS

THE DEPARTMENT OF ENERGY'S OFFICE OF SCIENCE AND TECHNOLOGY

On May 7, 1997 the Subcommittee on Oversight and Investigations held a hearing to review the management of the Depart-

ment's Office of Science and Technology (OST). OST was created by DOE in response to a Congressional directive in 1989 to begin a program to fund the development of innovative environmental technologies. The mission of OST, as defined by both Congress and the Department, is to fund the development of new technologies that will improve DOE's massive environmental restoration and management efforts—by making them cheaper, faster, and safer. The Subcommittee initially asked DOE three fundamental questions: (1) What technologies have been funded by OST?; (2) Which of these have been deployed at DOE sites?; and (3) What cost savings have occurred as a result of those deployments? Remarkably, DOE was unable to readily provide this information because these basic programmatic performance measures are not tracked by OST. The hearing revealed that after seven years and nearly $3 billion spent by OST, few technologies created by OST had actually been used by the Department. As a result, the benefits of these new technologies have been very limited—to date, DOE has been able to identify less than $500 million in cost savings from actual or planned use of OST-funded technologies. The Department believes it could save up to $20 billion in clean up costs with the use of innovative technologies. Without extensive use of OST-funded technologies to address some of the most intransigent clean-up problems at the DOE sites, the American public will not see an adequate return on its $3 billion investment in OST.

The Subcommittee received testimony from Alvin Alm, Assistant Secretary for Environmental Management, Dr. Clyde Frank, Deputy Assistant Secretary (DAS) for OST, GAO, and the DOE's Environmental Management Advisory Board. Subsequent to our review and hearing, the Department initiated changes in OST personnel, management, and funding processes including a greater emphasis on technology deployments and the application of peer review when making funding decisions on new technologies. However, a September 1998 GAO report the Subcommittee requested subsequent to the hearing identified ongoing problems with the OST program including (1) inaccurate deployment data, (2) completed technologies which are not useful at DOE sites, (3) a lack of user involvement during the development process, and (4) infrequent and ineffective technical assistance by OST to DOE sites during technology selection and implementation decisions. The Subcommittee intends to continue its review of the OST program.

THE DEPARTMENT OF ENERGY'S IMPLEMENTATION OF CONTRACT REFORM: PROBLEMS WITH THE FIXED-PRICE CONTRACT TO CLEAN UP PIT 9

On July 28 and 29, 1997 the Subcommittee on Oversight and Investigations held a two day hearing on the Department's failed fixed-price contract to clean up of buried radioactive wastes at the Pit 9 site at the Department's Idaho National Environmental and Engineering Laboratory (INEEL) located in Idaho Falls, Idaho. In October of 1994 a subsidiary of Lockheed Martin was awarded the $179 million fixed-price contract—a first-of-its-kind—to retrieve and treat the Pit 9 wastes. This new contracting method was intended to speed cleanup and demonstrate technologies that could be used elsewhere at the INEEL site and across the DOE complex.

Three years into the contract, Lockheed Martin had incurred $300 million in total costs (exceeding the contract's entire value) without completing the design and construction of the retrieval and treatment facilities. Additionally, at least two years of schedule delays had been incurred. In December 1996, Lockheed submitted a request to the Department seeking $158 million in additional compensation and a conversion of the contract to a cost-reimbursable arrangement for any work going forward. Subsequent to the hearing this offer was rejected by the Department, and Lockheed received a cure notice. All clean up work has stopped at Pit 9 and Lockheed has filed a lawsuit challenging the cure notice and seeking cost recovery.

The hearing focused on the circumstances which led to this failed contract reform effort. The Subcommittee received testimony from Secretary of Energy Federico Peña, the GAO, the State of Idaho Division of Environmental Quality, the Environmental Protection Agency, and representatives for Lockheed Martin. The Department committed to several improvements to its privatization contracts including (1) addressing Federal staffing needs to provide the skills necessary to administer privatization contracts; (2) negotiating a clear definition of safety and health regulatory requirements into privatization contracts; and (3) emphasizing the past performance and experience of the contractor teams it procures for privatization efforts. The Subcommittee continues to monitor Pit 9 as it reviews the Department's other privatization contracts.

ASSESSING THE DEPARTMENT OF ENERGY'S MANAGEMENT OF THE NATIONAL LABORATORY SYSTEM

On October 9, 1997, the Subcommittee on Oversight and Investigations conducted a hearing to assess the Department of Energy's management of its national laboratory system. DOE's laboratory system is the largest in the Federal government—it consists of 33 laboratories, and 56,000 personnel, and has an annual budget of approximately $6.5 billion. Although DOE owns the laboratories, the majority of the laboratories are operated under contract by universities and not-for-profit organizations. The hearing focused on the management concerns raised by the Laboratory Operations Board and by DOE's May 1997 decision to terminate the management contract for Brookhaven National Laboratory that was held by Associated Universities Incorporated.

The General Accounting Office, the DOE Inspector General, and Dr. Martha A. Krebs, the Director of DOE's Office of Energy Research presented testimony. The hearing identified a variety of management weaknesses regarding DOE's relationship with the laboratories, including: inadequate oversight of its Management and Operating (M&O) contracts; inadequate DOE program oversight of safety, safeguards, health, intellectual property, and construction requirements at DOE laboratory facilities; and confusion in the lines of responsibility and accountability between DOE headquarters program offices, field offices and the laboratories.

THE DEPARTMENT OF ENERGY'S IMPLEMENTATION OF CONTRACT REFORM: PERFORMANCE-BASED CONTRACTING

On October 23, 1997 the Subcommittee on Oversight and Investigations held a hearing to review the Department's implementation of contract reform focusing on performance-based incentive (PBI) contracting. Under this approach, DOE and its site contractors negotiate annually various tasks for which the contractors will be awarded an incentive fee for completion ahead of schedule. Under many PBI contracts, the contractors receive little, if any, automatic base fees or "subjective" award fees, which were DOE's traditional contracting methods. The Department, in its rush to implement performance-based contracting, ignored basic safeguards to protect the taxpayer's money. According to the testimony of Mr. John Layton, the Department's Inspector General, DOE initiated performance-based contracting without guidance to site operations offices and without adequate controls on the establishment of reasonable incentive fees due to the lack of adequate cost and schedule baselines for the incentivized work. Consequently, PBI contracts generally lacked a critical focus and the fees associated with them often seemed arbitrary or simply failed to incentivize the contractors to perform superior work. For example, the Subcommittee examined $910,000 in PBI fees DOE paid to Westinghouse Hanford Corporation for incentivized work that was never completed.

The Subcommittee received testimony from Mr. Layton, Ms. Elizabeth Moler, Deputy Secretary of Energy; and several of the Department's major contractors including Fluor Daniel, Lockheed Martin, Kaiser-Hill, Westinghouse, and Bechtel. Since the Committee began its review of the PBI program, the Department has taken several steps to incorporate lessons learned by providing guidance and training to site operation offices, initiating an annual review of all PBI contracts at headquarters, and ensuring that PBI contracts are negotiated and implemented at the beginning of each fiscal year. The Subcommittee is continuing its review of the Department's efforts as information for fiscal years 1998 and 1999 becomes available.

THE DEPARTMENT OF ENERGY'S FUNDING OF MOLTEN METAL TECHNOLOGY

On November 5, 1997, the Subcommittee began a series of hearings on the Department of Energy's funding of a technology development grant awarded to Molten Metal Technology (Molten Metal), a company that in 3 years received a 33-fold contract expansion on a non-competitive basis for the development of an experimental disposal process for radioactive wastes. The Committee's investigation of Molten Metal was an outgrowth of the Subcommittee's May 7, 1997 hearing that reviewed the Department's management of the Office of Science and Technology (OST).

On November 5, 1997, the Subcommittee received testimony from Mr. Thomas Grumbly, former DOE Assistant Secretary for Environmental Management, and Mr. Peter Knight, Molten Metal's representative who also was a senior official in both the 1992 and 1996 Clinton/Gore campaigns. The Subcommittee examined the public support by Mr. Grumbly and Vice President Gore on Molten

Metal's behalf, the relationship and communications between Mr. Knight, Mr. Grumbly, and Molten Metal, and Mr. Grumbly's efforts within the Department on Molten Metal's behalf.

On November 7 and 21, 1997, the Subcommittee received testimony from career DOE employees responsible for the Department's funding and contract administration decisions, including Mr. Gerald Boyd, Deputy Assistant Secretary (DAS) for OST, Dr. Clyde Frank, former DAS for OST, and Mr. William Huber, the DOE technical representative on the Molten Metal contract. At this hearing, questions were raised about how OST made its decisions to fund Molten Metal, the influences of Mr. Grumbly, Mr. Knight, and Molten Metal executives on these decisions, and the rigor with which OST reviewed the technical and commercial feasibility of Molten Metal's technology.

On February 12, 1998, the Subcommittee received testimony from Molten Metal executives, including Mr. William M. Haney, III, former Chairman and CEO, and Mr. Victor Gatto, Vice President of Government and Nuclear Sector. The Subcommittee questioned Molten Metal's relationship with and use of Peter Knight, and the timing of Molten Metal's campaign contributions to the Clinton/Gore campaign, the Democratic National Committee, and to causes affiliated with Vice President Gore, which coincided with several DOE expansions of Molten Metal's grants.

This series of hearings, in conjunction with the Subcommittee's May 7, 1997 hearing on the management of OST, led to internal reforms in the way the Department grants and reviews contracts within the Office of Science and Technology at DOE.

MANAGEMENT PROBLEMS WITH THE DEPARTMENT OF ENERGY'S HANFORD SPENT NUCLEAR FUEL PROJECT

On May 12, 1998, the Subcommittee on Oversight and Investigations held a hearing to review severe cost and schedule overruns with the Department's Spent Nuclear Fuel project (SNF project) at the Hanford site in Richland, Washington. The SNF project, an effort to remove 210,000 spent nuclear fuel rods from leaking wet storage basins (K-Basins), represents one of the largest health and safety risks within the nuclear waste complex. The K-Basins are known to have leaked at least 15 million gallons of slightly contaminated water, some of which has already reached the Columbia River located just 400 yards away. The SNF project has encountered more than $600 million in cost overruns and schedule delays that have delayed the removal of the deteriorated fuel elements by more than four years.

Weak project management and poor technical performance by DOE and its contractors on this project were reviewed. The Subcommittee received testimony from Mr. Ernest Moniz, Under Secretary of Energy, Mr. John Conway, Chairman of the Defense Nuclear Facilities Safety Board, the GAO, the Hanford Advisory Board, and each of the Department's SNF project contractors. According to GAO testimony, DOE and its initial contractor, Westinghouse, and, since 1996, Fluor Daniel and Duke Energy, have been unable to provide adequate management and technical expertise or develop a sound technical, cost, and schedule baseline for the SNF

project. These problems contributed to the severe cost and schedule overruns.

Since the hearing, DOE, Fluor Daniel, and Duke Energy have restructured the SNF project management systems and have taken steps to establish a credible technical, cost, and schedule baseline for the project. Although progress is being made, this multi-year project is still in the early construction phase. The Subcommittee will continue to monitor and evaluate progress on the SNF project in the 106th Congress.

REVIEW OF THE DEPARTMENT OF ENERGY'S HANFORD RADIOACTIVE TANK WASTE PRIVATIZATION CONTRACT

On October 8, 1998 the Subcommittee on Oversight and Investigations held a hearing to review the Department's $6.9 billion privatization contract with British Nuclear Fuels Limited (BNFL) to clean up approximately 10 percent of the 54 million gallons of radioactive wastes stored in 177 underground tanks at the Department's Hanford site in Richland, Washington. Although the Department has incorporated several of the lessons learned from Pit 9 privatization mistakes into this privatization contract, an extensive review by the Subcommittee and an audit presented at the hearing by the GAO identified serious and unresolved questions about this contract and the Department's ability to capably manage the effort. Principal among these concerns are the enormous financing and profit costs of this approach, the financial risks to DOE and the taxpayer if this approach fails, and the Department's ability to oversee this effort.

The Subcommittee received testimony from Ernest Moniz, Under Secretary of Energy, the GAO, BNFL, and Heart of America Northwest, a local environmental organization. According to DOE testimony, the Department views this contract as a key example of the implementation of contract reform. Successful management and oversight by the Department is essential on this project. However, the GAO testified that several Federal staffing positions on this project remain unfilled.

The contract was signed in August 1998. However, DOE and BNFL will continue to refine the technical and financial structure of the contract over a 22-month period, at which point a final fixed price will be proposed in August 2000. The current target price of $6.9 billion includes $3.2 billion in profit and financing costs. The Subcommittee questioned these costs in light of the substantial risks to the Government if this project fails. If BNFL defaults due to poor performance, BNFL is currently liable for up to $300 million in project costs. The Department would be responsible for all other costs, which could be as high as $3 billion. The Subcommittee also requested the Department to assess other financing options, including less expensive government financing approaches. The Subcommittee will continue to review this contract as critical decisions are made over the next two years.

INVESTIGATIVE ACTIVITIES

Misappropriation of Nuclear Waste Grant Funds by the State of Nevada

The Subcommittee continues to closely monitor DOE's stewardship of Nuclear Waste Grant Funds misappropriated by the State of Nevada's Nuclear Waste Project Office (NNWPO). A March 1996 GAO report requested by the Subcommittee determined that the NNWPO inappropriately used $735,000 in grant funds and violated spending restrictions in applicable appropriations acts. Based on these serious findings, the Chairman urged the DOE to conduct a complete financial audit of the inappropriate expenditures identified by the GAO. In response, DOE contracted KPMG Peat Marwick (KPMG) to perform a full audit, finalized March 1998, which determined that approximately $200,000 of NNWPO's expenditures were for unallowable activities in direct violation of spending restrictions, and approximately $493,000 were found to be unallowable due to insufficient documentation to support the payments.

Following the KPMG audit, the Department reallocated $690,000 from an account maintained for the State containing unexpended Nuclear Waste Grant Funds. On September 25, 1998, the Subcommittee expanded its inquiry with a letter to Governor Bob Miller of the State of Nevada requesting documents and information detailing expenditures by the NNWPO not reviewed by the GAO or KPMG reports, and a description of any corrective measures taken by the NNWPO to prevent misappropriation of future Nuclear Waste Grant Funds. The Subcommittee will continue to closely monitor stewardship of Nuclear Waste Grant Funds by DOE and the State of Nevada in the 106th Congress.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEARINGS

CONTINUED MANAGEMENT CONCERNS AT THE NATIONAL INSTITUTES OF HEALTH

On February 28, 1997, the Subcommittee Chairman requested information relating to the circumstances of how a molecular biologist, Dr. Mark Hughes, who held a research position at the National Institutes of Health (NIH), violated a Federal ban on human embryo research and the administrative and oversight practices of the NIH with respect to the Dr. Hughes situation.

On June 19, 1997, the Subcommittee on Oversight and Investigations held a hearing on continuing management concerns at the National Institutes of Health (NIH). The hearing examined the adequacy of NIH management of its personnel and resources with respect to Congressional, Presidential, and NIH bans of funds for human embryo research. Dr. Harold E. Varmus, Director, NIH, presented testimony for the NIH. As a follow-up to the hearing, the Subcommittee Chairman sent a letter on June 24, 1997 to Georgetown University requesting information and documents. On July 30, 1997, the Subcommittee Chairman sent a letter requesting in-

formation about certain matters primarily related to the NIH's practices and procedures related to making equipment loans.

MEDICARE WASTE, FRAUD, AND ABUSE

The Oversight Subcommittee has closely reviewed the Health Care Financing Administration's (HCFA) efforts to fight Medicare waste, fraud and abuse. The Subcommittee examined HCFA's efforts to enhance Medicare's pre-payment detection capabilities with Commercial Off-the-Shelf (COTS) software, and its efforts to develop an integrated Medicare Transaction System (MTS), an automated claims processing system that would have consolidated HCFA's eight different automated information systems into a single Medicare claims system. With respect to MTS, the Committee's efforts disclosed that HCFA had made payments of almost $80 million in total with over $50 million going to the MTS contractor—more than double the original projected cost for the entire contract—with virtually nothing to show for it.

On September, 29 1997, the Subcommittee held a hearing on Medicare, Waste, Fraud and Abuse. The Subcommittee heard testimony by officials from the General Accounting Office, the Office of the Inspector General at the Department of Health and Human Services, and from HCFA. The witnesses all testified to the enormous amount of waste occurring in the Medicare system, as well as to the issues surrounding HCFA's efforts to develop the MTS system and the efforts to implement COTS software. With respect to the COTS software issue, the Committee brought attention to the fact that HCFA's efforts have been far from adequate in fighting waste, fraud and abuse on all fronts. After resisting for years recommendations by GAO to implement a software technology that could potentially save hundreds of millions of dollars annually in improper Medicare payments, HCFA finally undertook a pilot program to test this technology. On May 19, 1998, the Oversight Subcommittee held a hearing on the progress of HCFA's efforts to implement commercial software into its Medicare claims processing systems. At the hearing, the HCFA Administrator, Nancy-Ann Min DeParle testified that the pilot program, undertaken for HCFA by HBO&C Company (HBOC), had demonstrated that HCFA could save up to $464.5 million annually, by using commercially available software to process Medicare claims more accurately than HCFA's existing claims processing system. In July 1998, HCFA informed the Commerce Committee that it had substantially reduced its savings estimate from $464.5 million down to $35.9 million. In September 1998, HCFA announced it had awarded a $19.2 million two-year contract to HBOC for use of its commercially available claims processing system.

In light of these developments, the Committee is continuing its oversight of HCFA's use of commercially available software for processing Medicare claims, in order to determine the validity of HCFA's savings estimates, and in order to evaluate the adequacy of HCFA's implementation of the contract with HBOC.

MEDICARE HOME HEALTH

On October 29, 1997, the Subcommittee held a hearing on Home Health Care fraud. The first panel consisted of representatives from HHS OIG, the FBI and the GAO who discussed the growth of waste, fraud and abuse in the home health care benefit and the challenges HCFA faces in implementing the provisions as outlined in the Balanced Budget Amendment (BBA). The second panel consisted solely of HCFA representatives, who discussed the plans for carrying out actions to control home health waste, fraud and abuse and timetables for implementation. Finally, the third panel consisted of home health industry representatives who provided the industry's perspective of the problems and how home health agencies were affected by administrative proposals and the BBA.

Home health has been one of the fastest growing components of today's Medicare program. Home health was originated as an alternative to more costly and lengthy hospital stays, and has been part of Medicare since Medicare's inception in 1965. According to GAO, Medicare home health expenditures averaged a 33 percent per-year growth between 1989 and 1996, or from about $2 billion to almost $18 billion. This growth can be attributed to the fact that while the number of beneficiaries receiving services increased, so did the number of services per beneficiary. It is estimated that expenditures for home health services will exceed $30 billion by 2002.

While the number of beneficiaries, home health agencies and expenditures has rapidly increased, so have the problems with waste, fraud, and abuse associated with the home health benefit. In July, the HHS Office of Inspector General, in connection with its Operation Restore Trust audits of Medicare home health services, released two reports concerning home health fraud. In its first report, the OIG reported that nearly 40 percent of home health care services provided under the Medicare program were unjustified because they did not meet Medicare reimbursement requirements. In the second report, the OIG found that 1 out of every 4 Medicare-certified home health agencies were "problem" providers and, while not inherently fraudulent, had abused Medicare funds. These studies were conducted in the 5 most populated States, but the OIG believes that these problems exist in other States.

As part of the Administration's efforts to enforce the anti-fraud provisions included in the Balanced Budget Act and administrative pronouncements, and in response to the growing amount of abuse in the home health industry, President Clinton and Secretary Shalala announced on September 15, 1997, an unprecedented 6 month moratorium on the entry of any new home health agencies into the Medicare program. The Committee later uncovered information indicating that the moratorium was not developed by the Department of Health and Human Services in connection to a broader strategic plan to address home health waste, fraud and abuse, but instead, was most likely hastily developed in response to a request from the White House.

MEDICARE WASTE, FRAUD, AND ABUSE: A REGIONAL PERSPECTIVE

On March 2, 1998 in the Assembly Hall of the Colleyville Community Center, Colleyville, Texas, the Subcommittee on Oversight

and Investigations held a hearing on Medicare waste, fraud and abuse. The purpose of the hearing was to gain a regional perspective on the problems that are currently plaguing the Medicare system from those who fight Medicare waste on a daily basis, as well as to hear concerns from representatives of the health care industry.

The Honorable Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration (HCFA), testified on the first panel. She provided the Subcommittee with an update on HCFA's efforts to combat waste, fraud and abuse. The second panel consisted of several individuals from Texas; Mr. Paul Coggins, United States Attorney for the Northern District of Texas; Mr. Robert E. Richardson, Assistant Inspector General for Criminal Investigations, Department of Health and Human Services Office of Inspector General, and Mr. Martin Campbell, Assistant Regional Inspector General for Investigations in Dallas, all of whom are involved in fighting Medicare waste, fraud and abuse and testified about specific examples they had located in Texas, a large Medicare recipient States. The Subcommittee also heard from various industry representatives, including: Mr. Donald Chrysler who owns a pharmacy and durable medical equipment business in Amarillo; Ms. Claudia Foster, who owns a home health agency in Waxahachie; as well as Dr. Bohn Allen from the Texas Medical Association who represented a doctor's perspective.

GAO'S INVESTIGATIVE FINDINGS OF ALLEGED MEDICARE IMPROPRIETIES BY A HOME HEALTH AGENCY

On June 3, 1997, Chairman Bliley and Mr. Dingell sent a joint letter to the General Accounting Office (GAO) requesting an investigation of alleged Medicare improprieties by Mid-Delta Home Health (now known as Mid-Delta Health Systems, Inc.). GAO's Office of Special Investigations specifically examined allegations that Mid-Delta (1) routinely requested and received leave/bonuses back from its employees while charging Medicare their full amount, (2) paid the owner's daughter a full-time salary and charged it to Medicare, although she was a full-time nursing student, and (3) conducted unnecessary and excessive home health care patient visits. On Thursday, March 19, 1998,, the Subcommittee on Oversight and Investigations held a hearing on Medicare home health. Specifically, the Subcommittee heard from the General Accounting Office's (GAO) Office of Special Investigations (OSI) regarding its findings of alleged Medicare improprieties by home health care provider Mid-Delta Home Health (now known as Mid-Delta Health Systems, Inc.) of Belzoni, Mississippi, and affiliated companies. The panels consisted of representatives of the Government Accounting Office (GAO), the Health Care Financing Administration (HCFA), the Department of Health and Human Services, and Palmetto Government Benefits Administrators, the fiscal intermediary for Mid-Delta.

Some of GAO's more egregious findings included a finding that the owner of Mid-Delta home health claimed a salary of almost $370,000 in 1996, which included bonuses of about $150,000—of which the full amount was reimbursed by Medicare. Her husband, also on the Medicare payroll, claimed a salary of $178,000, which

included $90,000 in bonuses. Their daughter, who's full-time nursing tuition was being paid for by Medicare, claimed a salary of $55,000 and bonuses of $65,000, which was 119 percent of her salary. In addition, the owner and her husband drove a Mercedes Benz and Lincoln Towncar, both of which were charged to Medicare at a cost of $1,700 a month in taxpayer dollars.

After this hearing, Chairmen Bliley and Barton, along with Ranking Members Dingell and Klink wrote a letter to the Attorney General referring GAO's report, for appropriate action.

DEPARTMENT OF HEALTH AND HUMAN SERVICES INSPECTOR GENERAL'S AUDIT OF THE HEALTH CARE FINANCING ADMINISTRATION'S FY 1997 FINANCIAL STATEMENTS

On April 24, 1998, the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations of the Committee on Commerce, and the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform and Oversight held a joint hearing on the financial management practices at the Health Care Financing Administration. Specifically, the hearing focused on the findings of the Department of Health and Human Services Office of Inspector General's audit of HCFA's Fiscal Year 1997 financial statements and related reports on internal controls and compliance with laws and regulations, as mandated by the Chief Financial Officer's Act of 1990 and the Government Management Reform Act of 1994.

There was one panel of witnesses, which included the Honorable June Gibbs Brown, Inspector General, Department of Health and Human Services; and the Honorable Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration.

Under the Chief Financial Officers Act of 1990 (CFO Act), HCFA is required to prepare financial statements that fully disclose its financial position and the results of operation. The objective of the CFO Act is to improve systems of accounting, financial management, and internal controls throughout the Federal government while reducing waste and inefficiency and providing the Congress with reliable information on the financial status of government agencies. In 1994, the CFO Act was enhanced by the Government Management Reform Act (GMRA) which requires a Department's Office of Inspector General to audit the Department-wide financial statements for all accounts and associated activities of selected Federal agencies.

The OIG audit review indicated that the Medicare program is inherently vulnerable to incorrect provider billing practices. Through a detailed medical and audit review of 600 beneficiaries nationwide with 8,048 fee-for service claims processed for payment during FY 1997, the OIG found that 1,907 of those claims did not comply with Medicare laws and regulations. Therefore, the OIG estimated that FY 1997 improper payments totaled about $20.3 billion nationwide, or about 11 percent of total Medicare fee-for-service benefit payments.

The Subcommittee remains very concerned about such a high level of noncompliance within the Medicare program. Addressing waste, fraud, and abuse in Medicare will be one of the highest priorities of the Subcommittee in the 106th Congress.

MEDICARE BILLING: SAVINGS THROUGH IMPLEMENTATION OF COMMERCIAL SOFTWARE

On May 19, 1998, the Subcommittee on Oversight and Investigations held a hearing on the Health Care Financing Administration's (HCFA) efforts to curb Medicare overpayments with commercial claims auditing edits. This hearing was a follow-up to the September 29, 1998, and in this hearing the Subcommittee focused on HCFA's efforts to implement commercial-off-the-shelf (COTS) software which it found could save Medicare up to $465 million annually by detecting inappropriately coded claims. The first panel consisted of The Honorable Charles Grassley (R-Iowa), who was a co-requestor on the GAO report being released at the hearing. The second panel consisted individuals representing the General Accounting Office (GAO), the Department of Defense (DOD), and the Department of Veterans Affairs (VA). Both DOD and VA have implemented the same type of commercial system that HCFA tested in Iowa. The third panel consisted of one individual: The Honorable Nancy-Ann Min DeParle, Administrator, HCFA.

In a December 11, 1997 meeting with HCFA representatives, Committee staff was informed of HCFA's findings that up to$465 million could be saved annually if COTS was to be implemented nationwide. Committee staff also was informed at that time of HCFA's intention to extend the pilot project for an additional year. However, Committee staff expressed strong concern about this decision to extend the pilot program considering HCFA staff had just revealed that up to $465 million could be saved annually, while an additional test year would cause undue delay in saving millions in taxpayer dollars. Soon after that meeting, HCFA Administrator DeParle decided to terminate the pilot project and move forward with national implementation.

At the time of this hearing, HCFA was negotiating with HBOC to implement the commercial claims auditing edits. Although Members and Committee staff had met with HCFA officials on several occasions to discuss the above, it was important to have this hearing in order to hear from GAO on its findings and to lay out some markers for HCFA to ensure that such commercial claims auditing edits were implemented without any further unnecessary delays.

On September 30, 1998, HCFA signed a contract with HBOC to apply HBOC's commercial-off-the-shelf software procedure to process edits to Medicare claims. The Committee intends to closely monitor HCFA's efforts to implement this money saving software.

DEPARTMENT OF HEALTH AND HUMAN SERVICES' POLICY FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS

On April 10, 1997, the Subcommittee Chairman sent a letter to the Substance Abuse and Mental Health Services Administration (SAMHSA) concerning the SAMHSA Scientific Meeting on Drug Testing of Alternative Specimens and Technologies for April 28-30, 1997. The Subcommittee Chairman expressed concerns that the conference be conducted in a thoroughly unbiased and science-based manner and that key SAMHSA officials may be relying on outdated, flawed or statistically invalid experimental studies relat-

ed to hair testing. SAMHSA responded on April 17, 1997 to provide assurances to the Subcommittee Chairman about his concerns.

On February 5, 1998, the Subcommittee Chairman sent a letter to SAMHSA examining the fairness and adequacy of SAMHSA's consideration of issues related to drug testing. After receiving SAMHSA's response, Committee staff met with officials from SAMHSA and the National Institute of Drug Abuse (NIDA).

On July 23, 1998, the Subcommittee on Oversight and Investigations held a hearing on the Department of Health and Human Services' (HHS) Policy for Federal Workplace Drug-Testing Programs. The purpose of the hearing was to determine whether HHS has established the most effective drug-testing policy by relying exclusively on urine-testing technology and, if not, to examine what actions HHS can take to attain the most effective drug-testing policy.

Three panels of witnesses testified: a panel of non-HHS witnesses who discussed their views on the HHS drug-testing policy and their experiences and views on hair-testing or other testing technologies, and a panel of HHS agency witnesses who discussed the HHS drug-testing policy. The first panel included: (1) Harry Connick, Sr., the District Attorney of New Orleans, whose office uses hair-testing to supervise first-time non-violent offenders in a diversionary program; (2) Kevin Connors of Waste Management Corporation, a Department of Transportation regulated company that is required to use urine-testing but also uses hair-testing; (3) Bruce Goldberger of the University of Florida who is designing a proficiency testing program for hair-testing in Florida but who believed there were external contamination and racial bias problems with hair-testing; (4) Christine Moore of the U.S. Drug Testing Laboratory who believed there were external contamination and racial bias problems with hair-testing; (5) Richard Newel, Research Associate at the University of South Florida, who has been involved in studies that concluded there was no racial bias issue with hair-testing; and (6) Carl Selavka, Director of the Crime Lab for the Massachusetts State Police, who believed there was sufficient scientific support to include hair-testing and other alternative testing technologies in the Federal workplace drug-testing program.

The second panel included the following witnesses from HHS agencies: Edward Cone of National Institute of Drug Abuse (NIDA); Joseph Autry of the Substance Abuse and Mental Health Services Administration (SAMHSA); and Bruce Burlington of the Food and Drug Administration (FDA). Dr. Cone provided his views on alternative testing technologies such as hair-testing. Dr. Autry and Dr. Burlington provided status reports on their respective agencies' reviews of alternative drug-testing technologies.

The third panel featured Ray Kubacki, President and CEO, Psychemedics Corporation, a hair-testing company, and William Thistle, Vice President and General Counsel, Psychemedics Corporation. These witnesses responded to concerns raised about hair testing technology for drugs of abuse.

The hearing demonstrated that there appeared to be a consensus that a complementary program of urinanalysis, hair testing, and perhaps blood testing, sweat testing, and saliva testing was the optimal approach for a drug-testing program. The Subcommittee is

monitoring SAMHSA and the FDA as these agencies consider scientific issues concerning alternative testing technologies to urinalysis.

IMPLEMENTATION OF THE ABSTINENCE EDUCATION PROVISIONS OF THE WELFARE REFORM LAW

On September 25, 1998, the Subcommittee on Oversight and Investigations held a hearing to assess the implementation of the abstinence education established by Congress as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as the Welfare Reform Act of 1996. The purpose of the hearing was to evaluate the adequacy of HHS and State efforts to implement the abstinence education program in light of concerns about the misinterpretation of the statutory requirements of the program at the State and Federal level.

The Welfare Reform Act of 1996 amended Title V of the Social Security Act (42 U.S.C. 701 et seq.)—the Maternal and Child Health Services Block Grant—by establishing what is commonly referred to as the Title V abstinence education program. Title V authorizes the Secretary of Health and Human Services to allocate a total of $50 million per year for a period of five years, beginning in FY 1998, to the States in order to provide abstinence education as defined in Title V. Abstinence education is strictly defined in Title V by means of an eight-point check list abstinence education program.

The Subcommittee first heard from Peter van Dyck, who was named Acting Director of the Maternal and Child Health Bureau shortly before the hearing. Dr. Van Dyck outlined the current status of funding and reviewed how the Administration interprets the legislation. The Subcommittee then heard testimony from State abstinence and health care officials about the opposition they are encountering from public health officials and local sex educators in enacting a strict abstinence until marriage law as the Congress intended. The third panel included teenagers who testified that the mixed message of Abstinence plus safe sex was far more confusing and less effective than the Abstinence only message provided for under the Title V programs that Congress enacted. A fourth panel of abstinence educators and activists spoke about specific examples of programs acting outside the parameters of the strict abstinence until marriage definitions.

The Subcommittee intends to work with the Subcommittee on Health and the Environment in the next Congress to examine if further legislation is required to enforce the legislative intent of the Congress.

ABUSES OF THE MEDICARE PARTIAL HOSPITALIZATION BENEFIT AT COMMUNITY MENTAL HEALTH CENTERS.

On October 5, 1998, the Subcommittee on Oversight and Investigations held a hearing that focused on the widespread abuse of Medicare's Partial Hospitalization Program (PHP) benefits by Community Mental Health Centers (CMHCs). The hearing focused on the adequacy of the Health Care Financing Administration's (HCFA) efforts to ensure that CMHCs comply with statutory and

regulatory guidelines for providing partial hospitalization services under Medicare in light of unexpectedly rapid growth in Medicare partial hospitalization payments coupled with evidence of widespread fraud and abuse of the PHP program by CMHCs.

HCFA originally estimated that the annual cost of partial hospitalization services in CMHCs would not exceed $15 million. However, in the period 1993 to 1997, total Medicare payments to CMHCs increased 482 percent from $60 million in 1993 to $349 million in 1997, and in the same period, average payments per patient increased 530 percent from $1,642 to $10,352. The rapid growth in Medicare payments prompted HCFA and the HHS Inspector General to conduct two reviews of PHP services in Community Mental Health Centers. The first review—Reviews of Partial Hospitalization Services Provided Through Community Mental Health Centers—completed in April 1998, focused on 14 CMHCs in Florida and Pennsylvania, found extensive noncompliance and resulted in the suspension of Medicare payments to all 14 providers that were reviewed. The second review—Five-State Review of Partial Hospitalization Programs at Community Mental Health Centers—was completed in September 1998, and found that more than 90 percent of the providers and services reviewed were ineligible for Medicare funding—the worst rates of noncompliance in Medicare history.

Testimony was received from the Department of Health and Human Services (HHS) Inspector General's Office, and HCFA regarding the ineligibility of many providers and beneficiaries in the program, the provision of unauthorized services, and the failure of HCFA's self-attestation process to screen out ineligible Community Mental Health Centers. The hearing also highlighted concerns regarding the adequacy of HCFA's proposed action plan to prevent further abuse of the Partial Hospitalization Program benefits by providers, in particular, the Inspector General indicated that HHS needs to conduct an evaluation of PHP programs run by hospitals.

INVESTIGATIVE ACTIVITIES

Physicians at Teaching Hospitals (PATH) Audits

In June of 1996, the Department of Health and Human Services Office of the Inspector General (HHS OIG) initiated an audit (known as Physician at Teaching Hospitals or PATH audits) of the billing practices at the nation's 125 teaching hospitals to determine if they were improperly billing Medicare Part B for services that were performed only by a resident when a teaching physician was not present. Under Medicare Part B, a teaching physician is allowed to bill Medicare only if the physician is physically present during the administration of the medical services. The PATH initiative was launched after a December 1995 civil monetary settlement with the University of Pennsylvania collected $30 million and a second civil monetary settlement in August 1996 brought in $12 million from Thomas Jefferson University, both of which were found to have been improperly charging Medicare Part B.

The PATH audits sparked heated resistance from both the American Medical Association (AMA) and the Association of American Medical Colleges (AAMC), as well as some Members of Congress,

who called for suspension of the audits. The HHS General Counsel undertook a review of the matter and standards for billing and issued a letter on July 11, 1997, in which she concluded that the standards for reimbursing teaching physicians under Part B had not been consistently and clearly articulated over the years. Some expressed concern that the General Counsel's letter, which was issued and released during an ongoing IG audit, may have undermined the IG's efforts by re-defining the scope of the criteria for the PATH audit initiative. Of the 49 audits that were already underway at the time, 16 of the audits were terminated as a direct result of the General Counsel's review.

Regardless of the issues surrounding the clarity of the reimbursement criteria, and in particular, the physical presence requirement, the Committee was concerned about the circumstances surrounding the issuance of the July 11 letter during an ongoing OIG audit. However, after personally meeting with representatives of the AAMC and AMA in December 1996 and January 1997, Secretary Shalala requested the General Counsel to address the concerns of the AAMC and AMA audit, which culminated in the issuance of the July 11 letter.

The Committee was very troubled that the HHS General Counsel would issue the letter during an ongoing OIG audit initiative. Given the OIG's repeated briefings to HCFA in 1995 and 1996 on its planned PATH audit initiative, and HCFA's participation in the project, the Department should have informed the OIG before the OIG's audit effort commenced that it had a position that was different from the OIG's regarding the clarity of the Medicare Part B reimbursement criteria for teaching physicians. To issue this letter after the OIG and DOJ effort had started, and after the commencement of a substantial lobbying effort to stop this initiative, appeared to some to constitute inappropriate interference with respect to the OIG's work. The General Counsel's actions were alarming not only with respect to this specific OIG audit initiative. In response to such concerns, Chairman Bliley and Chairman Barton wrote to Secretary Shalala on September 16, 1997, about the General Counsel's July 11 letter requesting an explanation. Chairman Bliley and Chairman Barton requested a number of documents pertaining to the circumstances and facts that provided the basis for the July 11 letter.

Additionally, Committee staff had several meetings with representatives from HHS OIG and HHS General Counsel's office, as well as the AAMC to discuss their respective involvements with the PATH initiative, as well as the genesis of the July 11, 1997 letter. As a result of the Committee's oversight efforts, the Department and the HHS OIG have *made a concerted effort* to ensure that a similar situation will not arise in the future.

Physician Comparability Pay

On March 3, 1997, the Subcommittee Chairman sent a letter concerning the manner in which the U.S. Department of Health and Human Services (HHS) has implemented the provision at Section 529 of the Treasury, Postal Service and General Government Appropriations Act of 1991, Public Law 101-509 (Appropriations Act), which affects the pay received by physicians throughout the De-

partment, whether employed at FDA, NIH or elsewhere. The Appropriations Act amended 5 U.S.C. 5371 to authorize the director of the Office of Personnel Management (OPM) to permit agencies, such as the Department, to pay physicians who have significant "direct patient-care" responsibilities at pay levels comparable to those of clinicians at the Department of Veterans Affairs (DVA). Prior to Section 529, clinicians at DVA tended to earn significantly more than those practicing medicine at other Federal agencies. OPM implemented that section of the Appropriations Act and, as a result, the Department is in the process of offering higher paying slots to certain of its career clinicians.

The Committee was concerned about reports that certain individuals who have been offered this so-called "Title 38 pay" may not have substantial or significant "direct patient-care" responsibilities, contrary to Congress' express purpose in enacting Section 529 and to the language of that section.

CDC Implementation of CLIA Waiver

On July 9, 1997, the Subcommittee Chairman sent a letter requesting information concerning the Centers for Disease Control and Prevention's denial of waived status to a bladder tumor antigen stat test and for general information on the waiver process and whether CDC has fairly and consistently implemented the waiver provision of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). On August 12, 1997, the Director of the CDC provided the information.

Results Act: Biomedical Research in HHS Fiscal Year 1999 Performance Plan

On January 6, 1998, the Subcommittee Chairman asked the General Accounting Office to examine how HHS' FY 1999 annual performance plan addressed medical research. On September 11, 1998, the GAO issued its report. The GAO found that the HHS agencies did not always identify measurable outcomes that would allow an assessment of their research accomplishments. Generally, the agencies did not explicitly identify their strategies for accomplishing their specific research goals. However, the performance indicators included in the plan as a means of assessing progress toward achieving their goals provided some insight as to what those strategies might be. As the process of strategic planning, annual goal setting, and performance reporting proceeds under the Results Act, we expect HHS' performance plan to become more specific about what the department intends to accomplish and how the various HHS agencies will achieve their intended research goals.

False Claims Act

On March 19, 1998, Congressmen Bill McCollum (Crime Subcommittee Chairman for the House Judiciary Committee) and Congressman William Delahunt introduced the "Health Care Claims Guidance Act," H.R. 3523. This legislation was introduced in response to hospital's concerns that the Department of Justice was overzealous in its use of the False Claims Act in its health-related law enforcement activities, which included the use of "demand" letters that were often unduly harsh in tone and substance, and the

pursuit of seemingly trivial cases that did not warrant the Departments' involvement.

The Committee held a business meeting to discuss the matter with representatives from the Department of Justice and the HHS OIG. After the meeting, Chairmen Bliley, Barton and Bilirakis, along with Ranking Members Dingell, Klink and Brown, wrote to the Department of Justice suggesting that numerous changes be made to address concerns regarding the Department's use of the False Claims Act. The letter stated that the proposed legislation could severely undermine the fight against waste, fraud and abuse in the health care industry—by weakening a very powerful tool in the False Claims Act—but urged the Department to implement corrective administrative action to address enforcement related problems. With the strong efforts of this Committee, the Department of Justice, on June 3, 1998, issued written guidance on what would be the appropriate use of the False Claims Act in health related national projects. The Committee will continue to monitor the implementation of this written guidance.

Allegations of Improper Use of Federal Research and Development Grant Funds

On May 1, 1998, the Full Committee Chairman requested that the GAO investigate allegations of improper use of Federal research and development grant funds by the University of California. The GAO's Office of Special Investigations is investigating this matter.

Adequacy of HHS Oversight in Safeguarding Against the Diversion of Grant Funds

On May 6, 1998, the Full Committee Chairman sent a letter to NIH requesting information and documents concerning allegations that raised questions about HHS capability to investigate NIH grant fraud. The NIH provided documents and information. Committee staff conducted interviews and continues to review the matter.

Allegations of Mismanagement in the National Cancer Institute

On August 28, 1998, the National Institutes of Health (NIH) forwarded a report prepared by the NIH Office of Management Assessment to the Subcommittee Chairman in response to his letters of July 30 and November 25, 1997 on this matter. It was alleged that a National Cancer Institute (NCI) contractor was serving as the de facto head of NCI's Division of Basic Sciences. It was further alleged that the Contractor, the Principal Investigator for the Advanced Biosciences Laboratories contract with NCI, was strengthening the position and budget of the ABL contract while serving as "a resource to the NCI Director," under a modification to the contract.

The OMA's review concluded: (1) there were instances where the record indicated that the Contractor's activities extended beyond the advisory role that would have been appropriate under 48 CFR Subpart 37.2 by performing inherently governmental work of a policy, decision-making, or managerial nature, which is the responsibility of agency officials; (2) there is no evidence indicating the

Contractor or ABL received financial benefits beyond those specified in ABL's basic research program contract with NCI as a result of his serving as a "resource to the Director, NCI"; and (3) despite the advice and opinions of NCI's Deputy Ethics Counselor and the Chief, Research Contracts Branch, and the NIH Legal Advisor, Office of the General Counsel, it was not until the January 1998 contract letter and the February 1998 modification that controls were included in the basic research program contract to ensure compliance with the provisions of 48 CFR 37.203(c)

State Children's Health Insurance Program (S-CHIP)

The Balanced Budget Act of 1997 (Public Law 105-33)—signed into law on August 5, 1997, and amended by technical amendments (The District of Columbia Appropriations Act of 1998, Public Law 105-100) on November 19, 1997—includes provisions establishing the State Children's Health Insurance Program (S-CHIP) under a new Title XXI of the Social Security Act. This new State-Federal partnership was developed to expand health insurance coverage of low-income children by providing States with greater operational flexibility and additional Federal matching funds. The legislation also contained a provision barring any funding for abortions under the S-CHIP program.

On July 22, 1998, the Committee wrote to Secretary Shalala to express its concerns that the prohibition on funding abortions encompassed within the S-CHIP language was being circumvented by some States and to request certain information. On August 17, 1998, Secretary Shalala responded with a collection of internal HHS documents relating to the implementation of the S-CHIP ban on abortion funding.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF COMMERCE

INVESTIGATIVE ACTIVITIES

Inquiry into the Activities of the Minority Business Development Agency (MBDA).

In the 105th Congress, the Committee continued to review Department of Commerce Management issues. The Committee followed up on an inquiry that it had commenced in the 104th Congress concerning the award by the Department's Minority Business Development Agency (MBDA) of a $3.2 million cooperative agreement in 1994 to the Cordoba Corporation, whose owner had political and fundraising ties to the Clinton-Gore campaign, to operate a large-scale minority business center in Los Angeles (the L.A. MEGA Center). Cordoba had finished a distant second in the original competitive solicitation but nonetheless was processed for the award. During this processing, it was determined that Cordoba's bid was non-responsive and rather than selecting the top-ranked bidder, the Department canceled the solicitation and issued a revised solicitation, which Cordoba won. During the processing for this award, the Department's Inspector General raised substantial concerns about the financial viability and questionable business integrity of Cordoba. Nevertheless, MBDA awarded the grant to Cor-

doba. After receiving several poor ratings from MBDA's regional office, MBDA did not renew the grant and the MEGA center was closed in 1995.

The IG issued an audit report in February 1997 on the MBDA grant with Cordoba to run the L.A. MEGA Center, concluding that Cordoba owed the government $222,756. After reviewing MBDA's response to the audit report's findings and recommendations, the Committee wrote to express strong concerns about MBDA's response and urged the Department to accept all of the IG's findings and implement all of the report's recommendations. According to the Department, on February 13, 1998, the Departmental Audit Resolution Determination of the Cordoba Corporation award determined that Cordoba owed the Federal government $50,400. After Cordoba appealed this determination, the Department revised the debt to $19,407. Cordoba has entered into a repayment plan and has paid $5,000 thus far.

The Committee also wrote to the Department in June 1997 to express concerns about an upcoming Department-funded trade mission to Honduras. The trip was being organized by a MBDA grantee. According to the mission itinerary obtained by the Committee, the mode of transportation to Honduras included a three-day cruise aboard a luxury liner. The itinerary indicated only one day of scheduled business in Honduras. In addition, it appeared that MBDA was subsidizing a significant portion of the mission costs for its private sector participants. After receiving the Committee's letter, the Department canceled the trip and indicated that the mission was to be "rescheduled and redesigned."

Advanced Technology Program

The Committee also began a review of the Department's Advanced Technology Program (ATP), which is administered by the National Institute of Standards and Technology (NIST). The Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, codified at 15 U.S.C. 278n) established the ATP for the purpose of funding new high-risk, pre-competitive technologies that are not being adequately developed by private capital markets. On July 2, 1997, the Commerce Committee Chairman, along with the Chairman of the Senate Government Affairs" Subcommittee on Government Management, Restructuring and the District of Columbia requested GAO to conduct a detailed review of the ATP. GAO released the report, titled *Federal Research Challenges to Implementing the Advanced Technology Program* (GAO/RCED/OCE-98-83R), in March of 1998. While noting that "the program's recently revised regulations appear to be more closely ties to addressing the underlying economics of market failure than they have been in the past . . . Significant challenges remain in connection with NIST's ability to identify the projects in which market failure has occurred."

In July of 1997, the Commerce Department issued a report, *Strengthening the Commerce Department's Advanced Technology Program: An Action Plan* in response to the Committee's investigation. This plan outlined several proposed changes to the operation and policies of ATP including encouraging State participation, plac-

ing greater emphasis on joint ventures and consortia, increasing the cost-share ratio of Fortune 500 corporations.

The Committee again wrote to Secretary Daley to request information and documents relating to the Department's implementation of the program. The Committee intends to continue to review this program in the 106th Congress.

United States Trade Representative

In August 1998, the Committee began an inquiry into certain aspects of the 1996 U.S.-Japan Insurance Agreement. Specifically, the Committee was informed that the United States Trade Representative had entered into a secret "private minute" with respect to the Agreement. This minute was not signed, dated nor initially publicly disclosed. The USTR argued that this was a practice frequently used during negotiations. The Committee's inquiry seeks to determine the manner in which this private minute was developed and agreed to and the appropriateness of entering into such an agreement. The Committee is reviewing documents and interviewing individuals involved in the matter. The Committee intends to continue this review in the 106th Congress.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE DEPARTMENT OF STATE

INVESTIGATIVE ACTIVITIES

Satellite Privatization

On March 31, 1998, the Chairman wrote to the Secretary of State to inquire about the Administration's views on whether legislative authorization is necessary in order for the U.S. government to agree to and implement Inmarsat's plan for privatization. The Chairman also requested the Administration's assessment of whether the restructuring of INTELSAT raises any questions of consistency with U.S. law. While the Department of State did send a letter replying to the Chairman's letter on April 16, 1998, it failed to produce the requested analyses. During May 1998, the Committee initiated an inquiry into the Department of State's failure to provide the requested analyses. During the course of this investigation, the Chairman wrote to the Secretary of State, the Attorney General, Chairman of the Federal Communications Commission (FCC) and Secretary of Commerce, requesting documents related to the Department of State's analyses of the two questions posed in his original letter of March 31, 1998. The Chairman also sent a document request to Edwin I. Colodny, Chairman, Comsat Corporation (Comsat). Comsat is a government-established private corporation which serves as the U.S. signatory to the Inmarsat and INTELSAT agreements.

Because the Department of State declined to produce all the responsive documents during its initial response on July 1, 1998, the Chairman issued a *Subpoena Duces Tecum* to the Secretary of State on July 14, 1998, to compel production of the documents in question. The Department of State complied, producing the documents on July 21, 1998. Document requests related to this inves-

tigation which were made to entities other than the Department of State received timely responses.

The Committee's inquiry into the Department of State's initial failure to provide the requested analyses also included interviews with officials from the FCC and Departments of State and Commerce. Information gained through these interviews and a review of the documents provided indicates that Department of State lawyers viewed implementing legislation as a likely prerequisite to U.S. acceptance of the Inmarsat privatization plan. A review of the Inmarsat-related records produced clearly demonstrates that Department of State lawyers identified the probable need for implementing legislation as early as May 1997. However, despite this view, the Department of State failed to make any legislative proposals in a practicable time period. Moreover, on August 28, 1998, the Department of Justice's Office of Legal Counsel submitted a legal opinion to the Department of State concluding that implementing legislation is necessary in order for the U.S. Government to agree to and implement the Inmarsat plan for privatization. Finally, records show that the Department of State was considering non-legislative alternatives as late as the fall of 1998.

The Department of State's failure to ensure that any Inmarsat privatization plan be supported domestically by the required duly-enacted statutory authority may threaten U.S. leadership in international telecommunications policy. Because Inmarsat currently is scheduled to begin privatization in April 1999, and no corresponding legislation was passed during the 105th Congress, the Committee remains concerned regarding this matter and will continue its investigative inquiry in the hope of ensuring that the United States will have enacted the proper statutory authority if and when Inmarsat privatization does occur.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE ENVIRONMENTAL PROTECTION AGENCY

HEARINGS

REVIEW OF EPA'S PROPOSED OZONE AND PARTICULATE MATTER NAAQS REVISIONS (APR. 10, 1997, APR. 17, 1997, MAY 1, 1997, MAY 8, 1997, AND MAY 15, 1997) AND IMPLEMENTATION OF THE CLEAN AIR ACT NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) REVISIONS FOR OZONE AND PARTICULATE MATTER (OCTOBER 10, 1997)

On December 13, 1996, EPA proposed revisions to the national ambient air quality standards ("NAAQS") for ozone and particulate matter. The Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held five joint hearings on EPA's proposed revisions, and one joint hearing on the final revised NAAQS that EPA issued on July 18, 1997. These joint hearings explored uncertainties in the scientific bases for EPA's revisions and identified significant concerns that had been raised by the Department of Energy, Department of Commerce, and other Federal agencies. The Subcommittees also heard State and local elected officials express concern regarding EPA's proposed implementation scheme for the revised standards.

The Subcommittees' first hearing, on April 10, 1997, focused on the scientific bases for the proposed revisions. The Subcommittees received testimony from a scientific expert panel consisting of the current and four former chairmen of the Clean Air Scientific Advisory Committee established under the 1990 amendments to the Clean Air Act. These scientists testified that, in many cases, the scientific assumptions used by EPA were subject to uncertainty and that the new standards relied primarily on epidemiological associations from a limited number of studies using data that had not been released for review by other scientists. The Committee demanded that EPA release the data. As a result of the Committee's efforts, an independent scientific review panel is now reviewing these key studies. The results of that analysis will be used in EPA's next scheduled 5-year review of the revised standards.

On April 17, 1997, the Subcommittees held a joint hearing on Development of the Regulatory Impact Analysis for EPA's Proposed Revisions. The Subcommittees received testimony from Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), and from Mary D. Nichols, Assistant Administrator for Air and Radiation, EPA. These officials testified regarding serious questions raised by OMB, the Departments of Energy and Commerce, and other Federal agencies during the internal regulatory review of EPA's proposed revisions.

On May 1, 1997, the Subcommittees held a joint hearing on Perspectives of State and Local Elected Officials. The Subcommittees received testimony from an expert panel of State and local elected officials on impacts associated with EPA's proposed standards and questions as to the legal authority for EPA's proposed implementation scheme. On May 8, 1997, the Subcommittees held a hearing and received testimony from an expert panel regarding the Health Effects of Ozone and Particulate Matter. On May 15, 1997, the Subcommittees held a joint hearing to receive testimony from EPA Administrator Carol M. Browner regarding the proposed revisions and certain adverse views expressed by other Federal agencies.

On July 18, 1997, EPA published the final revisions to the NAAQS for ozone and particulate matter. Accompanying those final rules was a July 16, 1997, Memorandum from the President to the Administrator of the EPA regarding Implementation of Revised Air Quality Standards for Ozone and Particulate Matter. Based largely on issues raised during the five joint Subcommittee hearings, the Memorandum outlined an alternative, less burdensome approach for implementation of the revised standards.

On October 1, 1997, the Subcommittees held a joint hearing on Implementation of the Clean Air Act NAAQS Revisions for Ozone and Particulate Matter. The Subcommittees received testimony from EPA Administrator Carol M. Browner on EPA's legal authority for the alternative implementation scheme. The Subcommittees also received testimony on implementation from an expert panel of State and local officials and representatives of small businesses subject to the revised standards. Because the legal authority for EPA's alternative implementation scheme remained uncertain, Congress resolved the ambiguity by incorporating certain elements of the alternative implementation scheme in the Transportation

Equity Act for the 21st Century, Public Law 105-178, discussed elsewhere in this report.

THE FEDERAL-STATE RELATIONSHIP: A LOOK INTO EPA REGULATORY REINVENTION EFFORTS

On November 4, 1997, the Subcommittee on Oversight and Investigations held a hearing looking into EPA's regulatory reinvention efforts. This hearing examined EPA's efforts to work with the States in developing programs aimed at providing States and industry with flexible and alternative approaches to achieve optimum environmental protection in the face of limited resources. EPA acknowledged, in a 1997 GAO report, that resolving future environmental challenges would require a fundamentally different approach than used in previous years. The Agency called this new approach "regulatory reinvention."

The hearing examined EPA's regulatory reinvention efforts, including the Common Sense Initiative (CSI), Excellence in Leadership Program (Project XL), and an agreement negotiated between EPA and the Environmental Council of States (ECOS) which was aimed at "establishing a clear pathway and decision making process for State innovations that ha[d] encountered Federal barriers." The CSI program, considered the cornerstone of EPA's regulatory reinvention efforts, has the goal of finding cleaner, cheaper, smarter ways of reducing or preventing pollution and recommending changes in the existing approach to environmental management on a sector-wide approach. Project XL, on the other hand, was designed to engage industries on a company-by-company basis to try to reach an agreement which would achieve better environmental compliance while providing the companies more flexibility in their environmental compliance activities.

Testimony was received from representatives of the Administration, Government Accounting Office (GAO) and State environmental officials. EPA testimony was supportive of the goal of cleaner, cheaper and smarter approaches to environmental protection, but testimony from some State witnesses suggested that the Agency's practices were obstructing States from implementing programs which would have resulted in significant pollution reductions.

THE FEDERAL-STATE RELATIONSHIP: ENVIRONMENTAL SELF AUDITS

On March 17, 1998, the Subcommittee held a second hearing on the Federal-State relationship. The hearing examined EPA's response to State environmental audit programs, focusing on the following four primary issues: (1) whether environmental audits promote better environmental compliance; (2) the extent to which State and Federal audit programs encourage better audit practices; (3) the effect EPA practices have had on self audit programs and how States and the Federal government should work together to encourage self audits; and (4) whether State audit programs lack the minimum statutory and regulatory required criteria necessary for delegated authority of environmental programs. Testimony was heard from representatives of the EPA, State officials, academia and the regulated community.

Environmental audit reports are usually comprehensive self-evaluations containing not only the underlying data indicating whether or not there was an environmental violation, but also confidential internal company discussions (legal analysis, opinions, suggested corrective actions, etc.) pertaining to the findings of the audit and how best to address them. Because of the candid nature of the assessments contained in the audit reports, regulated interests expressed concerns that these reports could be used by EPA to bring civil actions, determine intent in criminal suits, or be used by outside groups unfairly. The regulated community felt that since they were voluntarily disclosing this information, they should be afforded some protection.

Currently, more than 22 States have enacted their own self-audit laws, but EPA has warned some States that their delegation to run Federal environmental programs may be threatened because of these laws. EPA proposed its own Federal audit policy which would offer penalty mitigation at the discretion of the agency and an assurance that the Agency would not "routinely request audit reports."

Critics of the State self-audit legislation argued that the immunity and privilege provisions of State audit legislation prevents States from properly enforcing Federal environmental statutes and shields bad actors. Meanwhile, the regulated community contended that the discretion and uncertainty of the Federal policy made it insufficient to encourage self audits.

Witness testimony revealed instances where companies that had utilized State self-audit laws had received lengthy and burdensome requests for information from EPA, at least implying that EPA was considering "over-filing" on them.

STATES' ALTERNATIVE ENVIRONMENTAL COMPLIANCE STRATEGIES

On June 23, 1998, the Subcommittee on Oversight and investigations held a third hearing examining the Federal-State relationship. This hearing focused on a General Accounting Office report entitled *Environmental Protection: EPA's and States' Efforts to Focus State Enforcement Programs on Results* (RCED-98-113), which was requested by the Committee and released at the hearing. The GAO report analyzed the success of States and the Agency to evaluate the effectiveness of State environmental enforcement programs based on outcome-oriented results, *e.g.* actual environmental improvements, instead of the traditional measures of enforcement actions taken and fines assessed. Testimony was heard from representatives of EPA, GAO and State officials.

In the report, GAO highlighted two major areas of concern. First, EPA needs to deliver a more consistent message to the States regarding alternative compliance strategies. GAO noted that "inconsistencies most frequently identified [by State environmental officials] were between EPA headquarters and regional offices; among the EPA's headquarters offices with key enforcement responsibilities; and between EPA management and lower-level staff." These inconsistencies made it difficult for States to pursue alternative compliance programs effectively. Second, the report cited the need for EPA to work with States to develop new alternative compliance program measures.

States experimenting with alternative compliance strategies often find they must divert significant resources away from traditional enforcement efforts in order to implement and assess the new programs. Meanwhile, because these new programs emphasize compliance over enforcement, their effect may lead to a cleaner environment, but a drop in traditional enforcement numbers leaves the experimenting State open to criticism from both EPA and the media. GAO recommended that EPA work with the States to overcome some of the technical barriers associated with developing new methods for measuring the effectiveness of alternative compliance programs.

THE ENVIRONMENTAL PROTECTION AGENCY'S TITLE VI INTERIM GUIDANCE AND ALTERNATIVE STATE APPROACHES

In February 1998, EPA issued the *Interim Guidance for Investigating Title VI Administrative Complaints* ("Interim Guidance") setting out how the Agency will decide "environmental justice" claims filed against State environmental departments. These environmental justice claims allege that a specific State environmental permitting action discriminated against minority groups. Many State government organizations such as the National Governors' Association, the U.S. Conference of Mayors, and the Environmental Council of the States complained that EPA should have consulted with States, local governments, and other stakeholder on this important issue and that the Interim Guidance will hurt urban revitalization and the cleanup of contaminated "brownfields."

Committee staff met with EPA staff on three separate occasions, first on October 1, 1997, and then again on February 18 and April 27 of 1998, to discuss EPA's environmental justice policy, and more specifically the development of the Interim Guidance.

On August 6, 1998, the Subcommittee on oversight and Investigations held a hearing on EPA's interim guidance at which EPA heard the States' concerns and committed to work with States in a review of the interim guidance. EPA officials acknowledged in testimony, "were we to start this process all over again, . . . we would clearly recognize stakeholder input earlier in the process . . .".

Concerned that the interests of States and municipalities were not being adequately addressed on such an important policy matter, Chairman Bliley sent a letter to the EPA on October 26, 1998, suggesting the only method of policy development which would provide the level of participation and transparency necessary to address the valid concerns of States and stakeholders would be the use of the all inclusive, participatory measures afforded by notice and comment rulemaking under the Administrative Procedure Act.

INVESTIGATIVE ACTIVITIES

Drycleaners and Perchloroethylene

In the 104th Congress, the Subcommittee on Oversight and Investigations held a hearing on the problems facing the dry-cleaning industry in complying with environmental regulations, specifically the costs of cleanup efforts associated with the use of perchloroethylene (PERC), the primary solvent used in dry-cleaning processes. One of the main issued raised in the hearing was the

lack of a cleanup standard for PERC in soils and the inappropriate application of a more stringent non-risk-based Safe Drinking Water Act standard.

In response to this problem, Chairman Barton introduced H.R. 1711, the Small Business Remediation Act of 1997, in the House on May 22, 1997. H.R. 1711 requires the maximum level of remediation of dry cleaning solvents (including PERC) in soil, surface water, groundwater, and other environmental media that a Federal, State, local agency, or court may require of a person engaged in dry cleaning, or of the owner of land or a facility in which such a person is conducting dry cleaning, to be one-tenth the equivalent exposure of the workplace standard for such solvents established by the Secretary of Labor under the Occupational Safety and Health Act of 1970.

On October 1, 1998, Chairman Barton and Committee staff met with EPA officials and representatives of the dry-cleaning industry to discuss the issue in more detail and find out what progress the Agency has made in establishing a risk-based cleanup standard for PERC in soils. The Subcommittee will continue to follow EPA's efforts and plans to meet with Agency officials again next session to discuss the status of the Agency's PERC studies.

Ethylene Oxide Thermal Oxidizers

In July 1997, the Subcommittee initiated an inquiry into EPA's mandate of the use of "thermal oxidizers" by commercial ethylene oxide sterilization and fumigation facilities to treat and destroy the toxic gas. The final rule mandating the use of thermal oxidizers by commercial ethylene oxide sterilization and fumigation facilities was promulgated by EPA on December 6, 1994 (40 C.F.R. Parts 9 and 16) and, according to a June 18, 1997 EPA Federal Register notice, approximately 114 companies were required to install these thermal oxidizers by December 6, 1997 (62 Fed. Reg. 33068).

On August 7, 1997, Chairman Bliley sent a letter to EPA expressing concern over four separate explosions in plants using the EPA-mandated thermal oxidizers, and the Agency's slow response in suspending the thermal oxidizer mandate. In the letter, the Chairman requested that EPA take all necessary steps to ensure the preservation of all documents related to this issue so that they would be available in the event that subsequent Committee review may be necessary.

Also in August 1997, Committee staff was briefed by EPA staff regarding explosions that had occurred at four separate facilities utilizing the ethylene thermal oxidizers. On August 7, 1997, Chairman Bliley sent a follow-up letter to EPA expressing concern over the explosions in plants using the EPA mandated thermal oxidizers, and the Agency's slow response in suspending the thermal oxidizer mandate. In the letter, the Chairman requested that take all necessary steps to ensure the preservation of all documents related to this issue so that they would be available in the likelihood that subsequent Committee review may be necessary.

Regional Structure and the State/Federal Relationship

In October 1997, the Committee initiated an inquiry regarding the Environmental Protection Agency's (EPA's) long-standing re-

gional structure. On October 24, 1997, the Chairman sent a letter of inquiry and document request to the Administrator of the EPA to learn whether the Agency's regional structure is serving to promote superior levels of environmental protection in an era when the States increasingly are responsible for day-to-day environmental protection. The Committee was concerned that the EPA's decentralized regional structure may not be the most efficient and effective method for the EPA to interact with the States, since it is EPA's ten regional offices which deal directly with the States, and operate with varying degrees of autonomy and flexibility in implementing Federal law.

On December 15, 1997, Fred Hansen, Deputy Administrator, EPA, responded to the Chairman's letter, providing approximately 35,000 pages of documents to help explain the EPA's present organizational structure and the underlying rationale behind that structure. Deputy Administrator Hansen stated that providing the EPA's regions with increased flexibility to respond to the needs of individual States required fundamental reinvention of how EPA performs many of its most basic functions. The Committee continues to review the regional structure and will continue to monitor this issue in the 106th Congress.

In early 1998, highly questionable spending practices in EPA's Region V Office came to the attention of this Committee. Specifically, the Committee learned that, in the last few weeks of fiscal year 1997, Region V employees spent $1.6 million in Superfund enforcement dollars on computer, audio-visual, and other electronics equipment. EPA employees called it the "FY97 Superfund Enforcement Dollars Spending Spree! Christmas In September." This amount represented more than one quarter of the Region's total Superfund enforcement budget. The Committee calculated that at least 14 cleanups, protecting the health of the nation's children, could have been undertaken had this money been appropriately allocated. This kind of waste of taxpayer dollars has been and will remain a primary focus of the Committee's oversight activities in the 106th Congress.

During April of 1998, the Committee initiated in inquiry into the EPA's State Voluntary Cleanup Program as part of its more general inquiry into the EPA's regional structure. Under this program, the EPA empowered its Regions to negotiate Voluntary Cleanup Program Memoranda of Understanding (MOA) with individual States. These agreements provide parties engaged in the cleanup of certain hazardous substance-contaminated sites a limited immunity from future Federal enforcement action, which in turn encourages the parties to incur the risk of cleaning up these contaminated sites. On May 12, 1998, the Chairman sent a document request to the Administrator of the EPA to learn about recent changes in the EPA's policy regarding this program. The Committee was concerned because the EPA proposed, and then withdrew, its "Final Draft Guidance for Developing Memoranda of Agreement Concerning State Voluntary Cleanup Programs." The Committee was interested in learning how, in the absence of this guidance, EPA and its Regions were negotiating with individual States on the establishment of Voluntary Cleanup Program MOAs, and how implementation issues were being handled by the Agency.

Timothy Fields, Jr., Acting Assistant Administrator for the Office of Solid Waste and Emergency Response, EPA, responded to the Chairman's document request on June 22, 1998. The EPA provided Headquarters and Regional documents in response to the request. Committee staff have reviewed the documents and the Committee will continue to monitor developments in this area.

As part of its more general inquiry into the EPA's regional structure, the Committee held hearings on November 11, 1997, March 17, 1998, June 23, 1998 and August 6, 1998. These hearings have been addressed in another section of this report.

The Environmental Protection Agency—Mercury Exposure Standards

On March 23, 1998, the Chairman of the Commerce Committee and Congressman Tom Coburn sent letter to Donna Shalala, the Secretary of the Department of Health and Human Services and to William Daley, the Secretary of the Department of Commerce to request information regarding interagency activity with regard to two studies conducted by the Environmental Protection Agency (EPA): (1) a mercury study released on December 19, 1997, pursuant to section 112(n)(1)(B) of the Clean Air Act, as amended in 1990 (CAAA); and (2) a study of emissions from Electric Utility Steam Generating Units pursuant to 112(n)(1)(A) of the CAAA. In the letters the Committee raised concerns about the inadequacy of the scientific basis of EPA's Mercury Report to Congress. In particular, the Committee expressed concern about the need for EPA to take into account recent studies being conducted in the Faroes and the Seychelle Islands in order to have an accurate scientific basis to determine whether to regulate Electric Utility Steam Generating Units for mercury and other hazardous air pollutants.

On August 24, 1998, the Office of Science and Technology Policy (OSTP) announced an interagency workshop on "Scientific Issues Relevant to Assessment of Health Effects from Exposure to Methylmercury", scheduled for November 18, 1998. On December 7, 1998, EPA representatives briefed committee staff about the interagency workshop and about the Agency's efforts to monitor mercury emissions from electric steam generating units. The Committee is continuing its inquiry to ensure that EPA's determination whether to regulate Electric Utility Steam Generating Units is made on the basis of sound science, and in compliance with the Clean Air Act amendments of 1990, which also stipulate that the National Institute of Environmental Health Sciences has the responsibility to determine the threshold level of mercury exposure below which adverse human health effects are not expected to occur.

Sector Facility Indexing Project

In April 1998, the Committee initiated an inquiry into the Environmental Protection Agency's (EPA's) Sector Facility Indexing Project (SFIP), an EPA initiative to makes a variety of data about individual facilities within five industrial sectors available to the public via the Internet. The industrial sectors addressed are automobile assembly, pulp manufacturing, petroleum refining, iron and steel production, and the primary smelting and refining of non-

ferrous metals. In response to the Committee's inquiry, EPA officials briefed Committee staff on the program. On April 29, 1998, the Chairman sent a letter to the Administrator of the EPA requesting information about the source of the data, whether the data was altered or standardized to accommodate data integration, and whether the comments of facilities reporting the data were incorporated in supplementary material explaining the significance of specific data. On May 20, 1998, Steve Herman Assistant Administrator for the Office of Enforcement and Compliance Assistance responded to the Chairman's letter. On May 22, 1998, EPA officials briefed Committee staff and other House of Representative's staff on the project. The Committee intends to continue monitoring the program as it develops in the 106th Congress.

EPA Placing Disaster Data on the Internet

On May 5, 1998, the Committee initiated an inquiry into matters concerning the Environmental Protection Agency's planned management of industrial facility information collected under a provision of the Clean Air Act (CAA) when Subcommittee staff was briefed by EPA officials on the matter.

The Clean Air Act Section 112(r), 42 U.S.C. § 7412(r), required EPA to implement a program focused on the prevention of chemical accidents. To meet this obligation, EPA published its final "Risk Management Program" rule on June 20, 1996. 61 Fed. Reg. 21688. Among other things, that rule will require approximately 66,000 facilities nationwide to send EPA a "Risk Management Plan" (RMP) containing detailed identification of potential accidental chemical release points and an estimate of the damage and injuries that could result from an absolute worst-case scenario data, otherwise known as offsite consequence analysis (OCA) data. It is undisputed that the information contained in each facility's RMP would make it easier to design a terrorist attack against that or a similar facility and to maximize the impact of such an attack. At the May 5 meeting, EPA staff confirmed that it was the Agency's preference to make all information collected in the RMPs available on the Internet.

On August 7, 1998, Committee staff met with industry representatives and security consultants to collect additional information and further discuss the potential threats posed by publishing certain sensitive portions of the data collected in the RMPs on the Internet. Committee staff met with EPA officials for a second time on September 10, 1998, to ascertain the status of the Agency's proposal to publish all information collected in the RMP on the Internet. At this briefing, EPA officials mentioned a number of alternatives which involved using "speed bumps" or other electronic security measures to control access to the data. On September 15, 1998, Committee staff met with FBI officials to discuss the extent to which the Bureau was consulted and included in the development of EPA's proposal for Internet publication of the RMP data.

On September 17, 1998, the Chairman of the full Committee wrote to Director Freeh of the FBI asking for the Bureau's assessment of the risks presented if EPA were to proceed with its plans to place this sensitive information on the Internet. In its response dated October 9, 1998, the FBI stated that "[p]ublishing of the Off-

site Consequence Analysis (OCA) data of the Risk Management Plans (RMP) on the Internet would provide a targeting tool for a person planning a terrorist or criminal act," and went on to note the FBI had determined the inclusion of "speed bumps" to be "an ineffective means of protecting the information." The FBI response outlined the following three alternatives to Internet distribution: (1) Internet publication of the RMPs, minus OCA data; (2) all RMP data available to State and local officials through a closed computer system; and (3) a compact disk (CD) of RMP data, less any contact or identifying information, made available to researchers and environmental organizations. Additionally, the October 9 FBI response highlighted the fact that "environmental groups have stated they will acquire the information and disseminate [it] over their web sites if EPA does not provide the information in its entirety over the Internet."

Meanwhile, Committee staff worked with Appropriations Committee staff to insert language into the Fiscal Year 1999 VA-HUD Appropriations bill, Public Law 105-276: (1) urging that EPA continue to work on this issue in close consultation with the FBI; (2) requiring that FBI submit to Congress no later than December 1, 1998, a written report containing the Bureau's recommendations for appropriate methods of public dissemination; and (3) directing EPA to provide Congress with monthly updates of its progress in working with the FBI and other Federal agencies to develop appropriate RMP protocol guidelines.

On October 26, 1998, Chairman Bliley sent a letter to EPA inquiring about the Agency's plans for handling the information under its Risk Management Program in light of concerns expressed by FBI in its letter to the Chairman. On November 20, 1998, EPA produced to the Committee certain records in response to Chairman's Bliley's October 26, 1998 letter. Subcommittee staff is in the process of reviewing these documents and the matter remains an open inquiry.

Maximum Achievable Control Technology Standard for Hazardous Waste Combustors

In the 105th Congress, the Subcommittee on Oversight and Investigations continued its review of EPA's implementation of the Clean Air Act Amendments, 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). On June 19, 1998, Representatives Barton, Dingell, Klink and Gillmor sent a letter to EPA regarding the Clean Air Act MACT rulemaking for hazardous waste combustors (HWCs). In their June 19 letter, the Representatives expressed concern that EPA's proposal of the HWC MACT standard may not be based on existing technology in uses in the industry, and thus not achievable as required by the 1990 Clean Air Act Amendments. The June 19 letter was followed up with several telephone conversations between Committee and EPA staff as well as a meeting between Committee staff and EPA Office of Solid Waste staff on August 14, 1998.

EPA produced the requested information and documents in a September 11, 1998 response. In its response, EPA noted that certain technologies—particulate matter continuous emission monitors (PM CEMs)—were not "being used in practice on boilers and industrial furnaces, including cement kilns, in the United States." The Agency's response also included a copy of EPA's regulatory impact analysis (RIA) for the HWC MACT proposal.

This remains an open inquiry with the Committee staff reviewing the documents and determining what additional Committee action may be necessary.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE FEDERAL COMMUNICATIONS COMMISSION

HEARINGS

THE CIRCUMSTANCES SURROUNDING THE FEDERAL COMMUNICATIONS COMMISSION'S PLANNED RELOCATION TO THE PORTALS

In late 1997, the Subcommittee on Oversight and Investigations began to investigate the circumstances surrounding the Federal Communication Commission's planned relocation to the Portals building. The initial investigation was based on allegations of political favoritism in return for campaign contributions to various Democratic political groups, as well as concern that Franklin L. Haney, a partner in the Portals building, had paid Peter Knight, one of his representatives, an unlawful $1 million contingency fee to assist in obtaining a Federal lease for the Portals building. The investigation was later expanded to review Portals-related fee arrangements between Mr. Haney and James Sasser, a former U.S. Senator and current U.S. Ambassador to the People's Republic of China, and between Mr. Haney and John Wagster, another of Mr. Haney's representatives. They were paid $1 million and $500,000 by Mr. Haney, respectively.

The Committee requested and reviewed documents from the Federal Communications Commission (FCC) and the General Services Administration (GSA), which had signed the lease for the Federal government, and various other parties. The Committee also interviewed numerous government officials involved in the project. Because Mr. Haney, his various corporate entities, and his private representatives refused to provide documents voluntarily, the Committee issued subpoenas duces tecum for those materials, and held Mr. Haney in contempt of Congress on June 24, 1998, for his failure to comply with those subpoenas. Mr. Haney subsequently provided all responsive documents.

As part of its investigation, the Subcommittee on Oversight and Investigation held a series of hearings, on August 4, August 7, September 10, September 15, September 17, October 6, and October 9, 1998. The Members of the Subcommittee questioned Mr. Haney, Mr. Knight, Mr. Sasser, and Mr. Wagster about their involvement in the Portals project and their fee arrangements. The Subcommittee also questioned other participants in the financing and leasing of the Portals building, as well as members of Mr. Knight's law firm, about their knowledge of or involvement in the project and the $1 million payment to Mr. Knight. Finally, the Subcommittee

concluded the series of hearings with representatives of the FCC and GSA who were involved in the lease negotiations and the decision to move to the Portals. The witnesses included the former chairman of the FCC, Reed Hundt, as well as Mr. Robert Peck, who worked at both the FCC and GSA during the time in question.

Based on the evidence gathered by the Committee, Mr. Bliley and Mr. Barton directed Committee staff to prepare a report, entitled *Report on the Portals Investigation and Related Matters: Evidence Warranting Further Action by Federal Law Enforcement Authorities*, which was referred to the Department of Justice in December 1998 for appropriate action.

INVESTIGATIVE ACTIVITIES

DEMS (Digital Electronic Message Service)

On March 14, 1997, the Federal Communications Commission (FCC) summarily issued an order in which it reallocated 400 MHz in the 24 GHz band for so-called digital electronic message service (DEMS). The same order also summarily modified the 18 GHz DEMS licenses to provide each licensee with four times as much spectrum in the 24 GHz band as provided for in the 18 GHz band. The frequencies that were allocated by the FCC and assigned to the current DEMS licensees consisted of spectrum that the National Telecommunications and Information Administration (NTIA) had made available for non-government users. Moreover, this significant rulemaking was conducted without any opportunity for public comment, under a claim of national security. The Committee wrote to the FCC to express its concern and to request further information. After receiving the requested documents, Committee staff reviewed them and conducted numerous interviews. Then on July 28, 1998, Chairman Bliley wrote FCC Chairman William Kennard, questioning the propriety of such an order and expressing the Committee's concerns over the re-allocation of a valuable resource like spectrum in such a manner without the benefit of input from any interested public parties as well as the fact that they bypassed normal operating procedure without any apparent reason other than an ambiguous claim of national security concerns. The Committee's review focused particularly on whether the Commission handled the DEMS matter with the transparency that law and public policy require and the Commission's apparent attempt to manufacture a national security rationale in order to justify bypassing traditional notice and comment rulemaking. The Committee was also very concerned by the lack of accountability of the Commission's personnel with respect to this important procedural decision. The Congress recognizes that an agency's judgment can be only as good as the information upon which it draws, and the specified notice and comment procedures are there to ensure that the broadest base of information is provided to an agency by those most interested and best informed on the issue.

BellSouth's Application for Entry into the Long Distance Market

The Committee examined whether BellSouth engaged in inappropriate behavior with regard to its application before the Federal Communications Commission (FCC) for in-region long distance

entry, as it relates to its challenge to the FCC's order relocating the DEMS. The Committee was concerned that BellSouth was not acting in good faith in its dealings with DEMS licensees, specifically Teligent. A *Wall Street Journal* article reported that BellSouth "offered to drop a legal challenge to Teligent Corp.'s FCC licenses if the start-up local phone company would support its long distance application." BellSouth's attempt to garner misleading support for its application through persuasion and threatened legal action was a cause of serious concern for the Committee. The Committee reviewed internal BellSouth documents that supported at least the appearance of impropriety. In letters to BellSouth and the FCC, the Committee related its concerns about both BellSouth's actions and the in-region application process as a whole. The Committee further expressed its fear that other companies could either offer an incentive or threaten a negative consequence to other companies in order to get those companies to support their application to the FCC.

The Federal Communications Commission's Implementation of the Universal Service portion of the Telecommunications Act of 1996

Since November 1997, the Committee has been investigating the Federal Communications Commission's (FCC) implementation of the schools and libraries provision (Section 254) of the Communications Act regarding universal service. What began as a simple inquiry to determine whether telephone rates would increase as a result of the FCC's decisions quickly led to an investigation of the propriety of communications between and among the FCC, the Administration (and in particular, the Office of the Vice President) and long distance companies. After extensive review of the documents submitted to the Committee and interviews with representatives of the FCC, Administration, and long distance companies, the Committee remains concerned that the FCC may have inappropriately pressured and threatened long distance companies not to recover the cost of the schools and libraries program from residential consumers for at least six months. The Committee intends to closely monitor the implementation of this program in the 106th Congress.

Section 396(e)(1) of the Communications Act of 1934 prohibits CPB from compensating its officers or employees at an annual rate of basic pay for Level 1 of the Executive Schedule. Section 396(k)(9) prohibits the Corporation for Public Broadcasting (CPB) from distributing public funds to the Public Broadcasting Service (PBS) and National Public Radio (NPR) unless assurances are provided to CPB that PBS and NPR are compensating their officers and employees at an annual rate of pay that does not exceed the rate of pay for Level 1 of the Executive Schedule. Based on a press report, the Committee became concerned that in recent years PBS and NPR may have distributed compensation that exceeded the salary cap. Specifically, the news report indicated that PBS paid the following bonuses to certain PBS officers: $28,950; $30,700; $32,410; $25,910; and $23,945. The Committee was concerned that these large bonuses were an effort to circumvent the Section 396 salary cap and also had concerns about the size of these bonuses.

The Committee wrote to CPB, NPR, and PBS to express its concerns and to request information relating to the payment of compensation. CPB, PBS, and NPR assured the Committee in writing that they were in compliance with the statutory provisions regarding the salary caps. In its response, CPB stated that the payment of "bonuses are not prohibited by the Act, so long as they are unexpected, unusual or extraordinary, even if they otherwise exceed the Section 396 salary caps. CPB assured the Committee that it was satisfied that PBS and NPR had complied with the relevant statutory provisions on payments to officers.

Notably, in its response to the Committee's request for information, PBS disclosed that in 1996 six officers or employees had received total compensation (including base salary, bonuses or other supplemental pay) that exceeded the salary cap. In fact, those six officers all received bonuses of more than $23,000, with the PBS President and CEO receiving a bonus of $45,000. PBS also disclosed that, in 1997, four PBS officers received total compensation that exceeded the salary cap, with the PBS President and CEO receiving a $37,000 bonus. It should be noted that from 1990 to 1996, PBS did not have any instances in which an officer received total compensation in excess of the salary cap. From 1979 through 1989, there were a total of only six instances in which an officer received total compensation in excess on the salary cap. (One officer in 1982, 1983, 1989 and 1990; two officers in 1986). Despite the substantial increase in the number of people whose total compensation exceeded the salary cap, PBS assured the Committee that it was not attempting to circumvent the salary cap and that these bonuses were for exceptionally meritorious performance. PBS also informed the Committee that it did not expect to have any instances in 1998 in which PBS employees or officer's total compensation exceeded the salary cap.

Section 701 of Title VII of section 101(g) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, amended section 396(k)(9) of the Communications Act of 1934. The amended provision requires CPB to ensure that NPR and PBS provide assurances that no officer or employee of these organizations will be compensated in excess of reasonable compensation as determined pursuant to provisions of the Internal Revenue Code.

The Committee also looked into allegations by the former CPB Inspector General (IG) that he had been improperly dismissed by the CPB Board of Directors. Committee staff met with the former IG and with members of the CPB Board, including Chair Diane Blair, to discuss the former IG's allegations. The Board explained the reasons for the dismissal of the IG. In the course of reviewing these allegations and learning of the interactions between the CPB Board and the former IG, who is hired and subject to removal by the CPB Board, the Committee became concerned that the Board and IG had not developed a working plan to ensure the institutional independence of the CPB. The CPB Board agreed to address this situation and take measures to ensure that the IG has the necessary independence to discharge the IG's responsibilities.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE FOOD AND DRUG ADMINISTRATION

HEARINGS

FDA POLICY ON HOME DRUG TESTING KITS

On January 24, 1997, the Subcommittee Chairman requested information and documents on the FDA's approval of the first over-the-counter drug testing system.

On February 6, 1997, the Subcommittee on Oversight and Investigations held a hearing about FDA's newly announced proposed policy on home collection testing systems for drugs of abuse. The Subcommittee received testimony from the FDA's Deputy Commissioner for Policy. Under the new policy, the FDA would allow some urine-based home collection testing systems for drugs of abuse to be sold to parents without a doctor's prescription. This was a partial reversal of FDA's position at the Subcommittee's oversight hearing on September 26, 1996, when the Agency maintained that the marketing to parents of urine cups and hair envelopes for drug testing purposes required a premarket application. By this requirement, the FDA insisted that such common items needed to be regulated as sternly as pacemakers or heart valves that are implanted in the human body. That position was based on FDA's concerns about such societal and ethical factors as "family discord" in assessing parents' ability to handle the results of a drug test. In July 1998, the FDA issued a final rule based on the policy announced at the February 6, 1997 hearing.

As a follow-up to the hearing, on April 10, 1997, the Subcommittee Chairman sent a letter to the Secretary of the Department of Health and Human Services concerning the testimony of FDA's Deputy Commissioner/Senior Advisor.

ADEQUACY OF ACCESS TO INVESTIGATIVE DRUGS FOR SERIOUSLY ILL PATIENTS

On July 22, 1997, the Full Committee Chairman sent a letter concerning the adequacy of FDA's mechanisms (*i.e.*, compassionate use investigative new drug permits , and treatment investigative new drug permits) for facilitating patient access to unapproved therapies. In August 1997, the FDA provided documents and information.

On September 23, 1997, the Subcommittee on Oversight and Investigations held a hearing on the adequacy of access to investigative drugs for seriously ill patients. The hearing examined the concerns of patients with cancer or other life-threatening diseases about their ability to obtain clearance from the Food and Drug Administration for access to experimental treatments. The witnesses included: Ed Gochenour, David Smith, and Frances Langham, cancer or non-Hodgkins lymphoma patients who discussed issues arising out of their personal experiences concerning compassionate use access to antineoplastons; Kay Smith, wife of David Smith, who discussed the impact of the access situation on her and highlight how such situations impact the families of the patients. Susan Spenceley, a Hodgkin's disease patient who experienced problems

maintaining access to radioimmunology therapy (RIT); Mark Cohen, a husband of a Hodgkin's disease patient who described the difficult experience of getting access to radioimmunology therapy (RIT); Richard Jaffe, Esq., an attorney who has worked closely with both Burzynski patients and RIT patients summarized and generalized on his experiences and observations on patient access issues; Shelbie Oppenheimer, a Lou Gehrig's disease patient discussed access issues related to Myotrophin; Diane Evans, a Chronic Fatigue Immune Dysfunction Syndrome (CFIDS) patient witness discussed her experience in getting access to Ampligen; Marsha Wallace, M.D., a physician who treats CFIDS patients, commented on parameters on clinical trials for Ampligen and how it has affected access for her patients.

The Subcommittee invited the FDA to testify at this hearing and obtained privacy waivers from the patient witnesses to enable FDA to respond fully. The Department of Health and Human Services commended the Subcommittee for seeking waivers from patients and sponsors, but decided not to permit the FDA to testify at this open hearing because of remaining confidentiality concerns due to the fact that the companies involved had not cleared privacy waivers. In October 1998, the FDA briefed the Subcommittee in closed session.

FOOD AND DRUG ADMINISTRATION (FDA) MANAGEMENT CONCERNS

Beginning April 30, 1997, the Subcommittee Chairman sent 10 letters to FDA seeking information and documents about certain matters primarily related to the information management and procurement systems at the FDA's Center for Biologics Evaluation and Research (CBER) as well as the management of the FDA. The FDA provided the requested materials. The Committee staff reviewed the documents, conducted interviews, and produced a preliminary draft report of its findings.

On April 1, 1998, the Subcommittee on Oversight and Investigations will held a hearing on management issues and procurement and inventory control procedures at the Food and Drug Administration (FDA), especially those at the FDA's Center for Biologics Evaluation and Research, and about the pace and directions of corrective actions taken or to be taken.

Two panels of witnesses testified. The first panel included: David Schaub, a Committee staff detailee from the GPO's Office of Inspector General and Certified Fraud Examiner, who presented a preliminary staff assessment on the above issues; Roberty Stumphy, an FDA employee who disclosed information about perceived efficiencies and violations of procedures; and Robert Gramling of the General Accounting Office, who identified what Federal policy establishes internal controls for Federal Managers and why they are needed, and what can happen if an agency lacks those controls. The FDA panel was headed by Dr. Michael A. Friedman, M.D., Lead Deputy Commissioner of the FDA.

Dr. Friedman testified that the FDA had recognized most of the identified problems and had corrected or was in the process of correcting the problems.

The hearing demonstrated that FDA had inadequate internal controls over FDA employee use of government credit cards, inad-

equate internal controls over receiving some equipment, inadequate internal controls over some inventory items, insufficient documentation of lost or stolen equipment, weak controls over disposal of some equipment, and inaccurate procurement records in some areas. The FDA employee witness testified that the Subcommittee's investigation played a critical role in ensuring certain corrective actions undertaken by FDA.

As a result of the hearing, the Subcommittee Chairman requested the GAO to study FDA's accountability of property, plant, and equipment, and the Committee staff wrote a report on FDA management concerns.

IMPORTED DRUGS: U.S.-EU (EUROPEAN UNION) MUTUAL RECOGNITION AGREEMENT ON DRUG INSPECTIONS

On October 2, 1998, the Subcommittee on Oversight and Investigations held a hearing on the U.S.-EU mutual recognition agreement on drug inspections (MRA), referred to as the annex on pharmaceutical good manufacturing practices. The purpose of the hearing was to examine why pharmaceuticals were included in the umbrella agreement, what effect the MRA will have on protecting the health of the American consumer, and any additional unresolved issues.

The one panel of witnesses included lead negotiators from the Office of the U.S. Trade Representative, the Commerce Department, and the FDA. These officials discussed: (1) the history of the umbrella trade agreement, (2) the current status of the pharmaceutical MRA, (3) the unresolved issues, and (4) what cost and drain on FDA resources will result from attempts to implement the pharmaceutical MRA. The witnesses defended the MRA as being in the best interest of the United States, arguing that the MRA could save FDA resources, enhance trade, and eliminate duplicative regulation.

However, the hearing demonstrated that there were many unanswered concerns such as: the short-term increase of resources needed, the questionable long-term savings for FDA, whether FDA was pressured to lower drug safety and quality standards, whether the agreement will be unworkable because of many unresolved questions, that the EU's technical trade barrier has not been eliminated, and the further loss of pharmaceutical manufacturing in the United States. As a result, on October 9, 1998, the Subcommittee Chairman and the Ranking Member requested that the General Accounting Office: (1) produce a projection of FDA costs incurred as a result of the MRA and identify all the assumptions (including direct benefits to FDA) required to make the cost projections; (2) identify other costs (trade shifts, *e.g.*) and benefits (good will, *e.g.*) that would not show up in FDA resource calculations; and (3) identify all the unresolved issues of the Pharmaceutical GMP sector at the time of its signing and determine the agreed plan of action of both the United States and the EU for resolving those issues over the three-year transition period.

INVESTIGATIVE ACTIVITIES

FDA Integrity Issues Raised by the Visx, Inc. Document Disclosure

During 1997 and 1998, the Subcommittee Chairman sent a series of information and document request letters to the FDA and certain other individuals or entities concerning 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 FDA and then the FBI investigated the matter in 1996 and 1997.

In connection with this investigation, on October 16, 1997, the Subcommittee Chairman requested, and received on November 12, 1997 materials relating to the Working Group on "Safeguarding Confidential Information."

Department of Justice—Conduct of U.S. Attorney's Office in FDA-Related Probe

On September 7, 1995, the Subcommittee Chairman requested the Attorney General 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. On June 23, 1997, the Department of Justice informed the Subcommittee Chairman that the Department had completed an investigation into these concerns and concluded that none of the Department attorneys or Assistant U.S. Attorneys involved engaged in professional misconduct in this matter.

Allegations of FDA Abuses of Authority: Myo-tronics

On December 5, 1995, the Subcommittee Chairman directed the FDA to refer allegations made by Myo-tronics, Inc., a dental device manufacturing company, to the Office of Inspector General (OIG) for investigation. In October 1994, an FDA dental advisory panel reviewed several pre-Amendment products manufactured and marketed by Myo-tronics, Inc. for the purpose of recommending a classification for these devices. The Panel recommended the devices be classified as Class III or experimental devices. Serious concerns were raised by Myo-tronics, Inc. about the FDA's treatment of the company, with Myo-tronics' management ultimately alleging that the Panel had been biased against them. The FDA Office of Internal Affairs formally referred the matter to the OIG on December 26, 1995.

The OIG issued its findings in two reports in 1996 and 1997. Regarding the OIG's findings about the conflict of interest allegations against the Advisory Panel Chairman, the FDA ethics officer concluded that the Chairman did not violate the criminal Conflict of Interest statute, but that there was an appearance of a conflict because he failed to provide the FDA with information concerning his company's financial interest in a competitor to Myo-tronics and concerning two lawsuits in which his company was involved. The

OIG also found that the FDA did not take into account the evidence the firm offered in support of certain pre-Amendments labeling claims. The OIG also found evidence supporting the conclusion that certain FDA employees had acted inappropriately.

On September 16, 1997, the Subcommittee Chairman sent a letter requesting FDA's conclusions about the Myo-tronics matter, and specifically, what the agency considered to be misconduct or inappropriate actions by FDA employees in the Myo-tronics matter.

In response to the OIG report, the FDA took disciplinary action against FDA employees, accepted the resignation or non-renewal of certain advisory panelists, undertook a formal review of its advisory panel meeting procedures, conducted an independent review of the Myo-tronics labeling claims, and reconvened the advisory panel to reexamine the issue of dental muscle monitor classification.

Expert Systems

On November 12, 1996, the Subcommittee Chairman requested documents and information regarding FDA proposals to regulate software that helps physicians diagnose ailments, sometimes called "expert systems." The FDA provided the information and documents on January 9, 1997.

Management of the Office of the Commissioner

On January 3, 1997, January 31, 1997, and February 13, 1997, the Subcommittee Chairman sent letters requesting documents related to the management of the Office of the Commissioner. These requests sought a list of all employees and budget for the Office of Commissioner and any reorganizations; how the different Deputy Commissioner positions were created and line of succession. The FDA provided the documents in installments during February and March 1997.

Foreign Drug Inspections

On February 25, 1997, as part of an investigation of FDA's foreign inspection program, the Subcommittee Chairman requested information concerning reports that a foreign drug manufacturer may have submitted fraudulent information to the FDA about bulk drug ingredients imported to the United States.

On May 22, 1997, the Subcommittee Chairman requested information from a cross-section of pharmaceutical companies about pharmaceutical bulk manufacturing plants in mainland China. The companies responded and provided the information.

On March 17, 1998, the GAO issued its report, *Food and Drug Administration: Improvements Needed in the Foreign Drug Inspection Program* in response to the Subcommittee Chairman's request to examine FDA's efforts to correct problems in the foreign drug inspection program identified in earlier FDA evaluations. The GAO reported that the FDA conducts few routine pharmaceutical inspections overseas, inspectors frequently fail to file reports in a timely manner, that senior FDA officials frequently overturn recommended enforcement actions, and that enforceable actions imposed by the agency frequently lack follow-up to correct identified deficiencies.

Rescheduling of Inspection

On March 11, 1997, the Subcommittee requested information and documents concerning the rescheduling of the inspection of Visx, Inc. that coincided with the time that the Chairman and President of Visx, Inc. testified at the Subcommittee hearing on July 30, 1996. The FDA provided documents and information. Committee staff investigated the matter to determine whether the rescheduling of the inspection was influenced by knowledge that the Visx President would be testifying at the Subcommittee hearing. Committee staff found that, although there were inconsistencies in interviews with FDA employees about who ordered the rescheduling and the justification for it, there was insufficient basis to conclude that the rescheduling of the inspection was improper.

Management and Performance of FDA

On March 13, 1997, as part of an examination of the management and performance of the FDA, the Subcommittee Chairman requested a computer printout listing of FDA positions, and a complete set of FDA's official organizational charts.

On June 4, 1997, the Subcommittee Chairman sent letters to six FDA contractors requesting information and documents related to procurement actions and modifications with the FDA. The contractors provided the information and documents in June and July 1997.

FDA Reporting Mechanisms

On March 13, 1997 and May 9, 1997, the Subcommittee Chairman sent letters concerning FDA's discontinued Quarterly Activities Report and FDA's management of its Internet and Intranet sites. On April 4, 1997 and August 11, 1997, the FDA provided information and documents.

On September 9, 1997, the Subcommittee Chairman sent a letter asking the question, "What does the FDA Commissioner or Lead Deputy Commissioner receive on a routine basis in terms of reports of the FDA's activities?" On October 24, 1997, the FDA responded that the Lead Deputy Commissioner received extensive strategic and operational information such as Daily Summaries/Compilations, Daily "8:30 Phone Call," Weekly Executive Committee, Management "one-on-one," "Weekly Information Update," Weekly Operations Immediate Office, Weekly General Staff Meetings, Weekly Food Additive Petition Inventory Report, Prescription Drug User Fee Act Reports, and other routine reports. On November 5, 1997, the Subcommittee Chairman requested samples of some of these reports, which were subsequently provided.

Implementation of Prescription Drug User Fee Act (PDUFA)

On March 17, 1997, the Subcommittee Chairman sent a letter requesting information and documents to obtain an accounting of FDA's use of Prescription Drug User Fee Act (PDUFA) funds.

On April 16, 1997, as part of an examination of how FDA has spent PDUFA funds, the Subcommittee Chairman sent a letter requesting information about how much reviewer time was spent on each application in the review process in Fiscal Year 1996.

On June 26, 1997, the Subcommittee Chairman sent a letter requesting information and documents relating to PDUFA "rainy day funds."

On July 16, 1997, the Subcommittee Chairman sent a letter requesting information and documents concerning FDA's implementation of the PDUFA.

Employee Suggestion Program

On April 30, 1997, the Subcommittee Chairman sent a letter requesting all suggestions forwarded under the FDA's employee suggestion program since January 1, 1995 and a list of the of the FDA employee suggestions adopted by the FDA. FDA provided the information in May 1997.

Alleged Misuse of FDA Resources

On May 14, 1997 and July 30, 1997, the Subcommittee inquired about the apparent use of government resources for a cookbook, *The Admiral Loves to Cook*, a project that did not appear closely connected to FDA's public health functions. The cookbook was compiled by the Director of the Office of Orphan Products Development, and then published as a Government Printing Office document. The matter was referred to the HHS Inspector General for investigation.

Review of the FDA's Handling of Issues Related to Conjugated Estrogens

The Subcommittee raised concerns that Wyeth-Ayerst may have made misrepresentations in its submissions to FDA regarding Premarin, the nation's only approved conjugated estrogens product, and that FDA may have failed to adequately review such submissions. The Subcommittee requested the Office of Inspector General (OIG) in July 1996 to answer specific questions regarding: Premarin, another Wyeth-Ayerst product called Prempro, the citizen petition related to Premarin, and generic versions of Premarin.

On May 16, 1997, the Inspector General issued its report. The report concluded that, according to FDA, there have been no unapproved formulations of Premarin. However, the OIG found that FDA did not have evidence demonstrating that the currently marketed formulation of Premarin is bioequivalent to the version tested for osteoporosis in the late 1970s. Concerned about the lack of bioequivalency data and the continued safety and effectiveness of Premarin, FDA in 1993 directed Wyeth-Ayerst to conduct a new dose-ranging study of the drug. As of January 1997, 30 percent of the planned enrollment had entered into the multi-year study.

The OIG also concluded that the Premarin tablet formulation used in the combination drug Prempro slightly differed from the marketed Premarin, but Wyeth-Ayerst submitted in vivo bioequivalence data to demonstrate that the new and currently marketed formulations were bioequivalent.

Regarding the Subcommittee's concern that FDA may have held generic drug firms to a higher standard than the brand-name maker of Premarin, the OIG noted that the agency was also concerned about possible differing standards in terms of bioequivalency requirements for the generic and brand name versions. How-

ever, upon further investigation, FDA determined there were no unapproved reformulations of Premarin that would have required Wyeth-Ayerst to submit additional bioequivalency data.

Beyond the Subcommittee's specific questions, the OIG identified other concerns regarding the citizen petition process—namely that the process has been extended for an excessive period of time in the Wyeth-Ayerst case; and FDA does not have policies and procedures governing such an important process, one which can impact the marketability of generic versions of Premarin.

Dr. Stanislaw Burzynski and the Burzynski Research Institute

On June 5, 1997, the Subcommittee Chairman sent a letter seeking further information and documents about the activities of the FDA in connection with Dr. Stanislaw Burzynski and/or the Burzynski Research Institute. At previous hearings in the 104th Congress, the Subcommittee had examined allegations of abuses of authority involving Dr. Burzynski and the Burzynski Research Institute. In July 1997, the FDA provided information and documents.

Reclassification of Pedicle Screws

On June 5, 1997, and February 5, 1998, the Subcommittee Chairman sent inquiries about the FDA's delay in issuing a final rule to downclassify bone screws from a high-risk device classification to a moderate-risk device classification for use in the pedicles of the spine during spine surgery. On July 16, 1997, the Subcommittee Chairman sent a letter concerning Mitchell Zeller, FDA's Associate Commissioner for Policy, and his contacts with plaintiff lawyers in connection with pedicle screws. FDA responded on July 31, 1997 and Secretary Shalala responded in August 1997.

On March 12, 1998, the FDA briefed Subcommittee members and staff on the status of the final rule. In July 1998, the rule was published in the Federal Register.

Animal Drugs

On July 9, 1997, the Subcommittee Chairman asked how many new chemical entities have been approved in the last five years for animal drugs (excluding non-food additives). The FDA provided the information.

Procurement Practices at FDA's Center for Biologics Evaluation and Research

On July 16, 1997, the Subcommittee Chairman requested that, to the extent appropriate, the matter of illegal procurement practices cited in an internal FDA memorandum be referred to the Office of the Inspector General (OIG). On August 6, 1997, the FDA informed the Subcommittee that this matter was being investigated jointly by the OIG and FDA's Office of Internal Affairs. On October 30, 1998, the FDA informed the Subcommittee Chairman that the matter had been concluded. The investigation revealed that while government funds inappropriately were being carried over into the next fiscal year, there was no criminal activity. The actions taken were intended to preserve funds unused by the end

of one fiscal year for use in a subsequent fiscal year. The individuals involved were reprimanded and the case closed.

Food Import Inspections

In July 21, 1997, October 7, 1997, and October 28, 1997, the Subcommittee Chairman sent a series of letters to FDA seeking information about the adequacy of FDA's food import inspections. The FDA responded with documents and information.

On October 8, 1997, the Committee requested an explanation for the difference in figures regarding the number of import food entries. The May 1997 Report to the President on the National Food Safety Initiative states that the FDA is responsible for about 2.2 million import food entries. In its letter to the Subcommittee Chairman, the FDA stated that FDA estimated there were 1.5 million formal entries of food and food-related items in FY 96. In its October 22, 1997 response, the FDA stated that the difference between the 2.2 million and 1.5 million was accounted for by the informal entries (entries with a value below $1,250). The FDA further stated that informal entries usually are not entered into the U.S. Customs' electronic system so it is difficult to obtain an exact count.

FDA Postmarketing Drug Surveillance Program

On October 22, 1997, the Subcommittee Chairman requested information from the Secretary of Health and Human Services about the Food and Drug Administration's (FDA) postmarketing drug surveillance program. On November 25, 1997 and December 11, 1997, the FDA responded with documents and information.

On October 7, 1998, the Full Committee Chairman, with Senator James Jeffords, the Chairman of the Senate Labor and Human Resources Committee, and Senator Bill Frist, requested that GAO initiate a comprehensive study of the U.S. system for ensuring the safety of prescription drugs. The study would examine not just FDA's post-marketing surveillance activities, but the entire system including the pre- and post-marketing activities conducted by both public and private organizations.

Prior to initiating this comprehensive study, the Chairman and the Senators requested GAO to convene an advisory panel of experts on adverse drug events and prescription drug safety. The purpose of the panel would be to help identify the key questions and issues that should be examined concerning adverse drug events and drug safety, as well as possible methodological approaches to addressing these issues. Moreover, such a panel would also provide useful information to congressional staff about the key public policy aspects of this issue.

Preliminary Inquiry on Femoral Artery Device Approval Process

On October 31, 1997, the Subcommittee raised concerns with FDA about possible preferential treatment toward one sponsor for femoral artery closure devices as well as possible fraud concerning the clinical trials of this sponsor.

Committee staff reviewed the materials, and met with FDA and representatives for both companies involved in the matter. All parties were in agreement about the Committee staff contacting an independent outside expert for opinions on certain issues in connec-

tion with this matter. Committee staff contacted such an expert familiar with both products. The expert was of the opinion that FDA's handling of the premarket application in question was appropriate and that the control times in the clinical study alleged to be suspect were consistent with times associated with the expert's clinical practice. Internal FDA documents did not substantiate allegations of preferential treatment or improper conduct.

Adverse Event Data for RU-486

On December 18, 1997, the Subcommittee Chairman sent a letter requesting information and documents pertaining to FDA's adverse drug reaction reporting system and the disclosure of adverse event data received from foreign countries during consideration of the pending new drug application for mifepristone (RU-486). On January 16, 1998, the FDA responded, and the Subcommittee Chairman sent follow-up questions on February 4, 1998.

Office of Criminal Investigations

On March 11, 1998 and June 4, 1998, the Subcommittee Chairman continued the investigation of the management of the FDA by seeking information about certain matters primarily related to the management of the FDA's Office of Criminal Investigations (OCI). The FDA responded to these inquiries in August and September 1998.

FDA's Practice of "Scrubbing" Confidential Information From Surplussed Computers

On April 23, 1998, the Subcommittee Chairman sent a letter to FDA requesting information related to the practice of "scrubbing" confidential, proprietary information from surplussed computers within FDA. In addition, the Subcommittee Chairman requested in April 1998 that the GAO study this matter.

Proposed Redesign of the Office of Consumer Affairs and the Office of Special Health Issues

On May 7, 1998, the Subcommittee Chairman sent a letter to FDA expressing concerns about, and seeking information about, a proposed merger of the Office of Special Health Issues with the Office of Consumer Affairs. The Subcommittee Chairman was concerned about how such a merger would impact FDA's responsiveness to patients and why the FDA treated the decision as an internal matter, with no apparent plans to solicit comments from the patient groups whose members use the services provided by the Office of Special Health Issues. On May 28, 1998, the FDA provided its explanation of the matter. The FDA decided not to proceed with the proposed merger of the offices.

Medical Device Tracking

On May 13, 1998, the Subcommittee Chairman asked the General Accounting Office to provide information on the Food and Drug Administration's implementation of the medical device tracking regulation under the Safe Medical Devices Act of 1990. On September 24, 1998, the GAO issued its report, *FDA Can Improve Oversight of Tracking and Recall Systems.* The GAO found several

weaknesses in FDA's approach for determining whether device manufacturers are operating tracking systems capable of locating and removing defective devices from the market and notifying patients who use them. These weaknesses threaten the agency's ability to adequately protect the public. First, FDA's inspections of the tracking systems did not include independent audits that could verify the completeness and accuracy of data in the systems. GAO also found that FDA's recall data showed that the industry and FDA had not acted in a timely manner to correct and remove defective devices from the market. The report contained recommendations to the FDA Commissioner to improve FDA's ability to monitor manufacturers' compliance with the medical device tracking regulation and conduct recalls of tracked devices in a timely manner.

Use of Propylene Glycol in Medicines

On June 23, 1998, the Subcommittee Chairman sent an information and document request to FDA concerning public health questions raised by the use of propylene glycol in medicines. The FDA responded in August 1998.

Counterfeit Bulk Drugs

On August 4, 1998 and August 6, 1998, the Full Committee Chairman and the Subcommittee Chairman sent document and information requests to the FDA and the U.S. Customs Service as part of the Committee's assessment of the public health threat to U.S. consumers posed by counterfeit bulk drug products (both animal and human drugs) and a determination of the effectiveness of U.S. agencies dealing with this issue. During September-November 1998, the FDA and the U.S. Customs Service provided documents and information in response to these requests.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE NUCLEAR REGULATORY COMMISSION

INVESTIGATIVE ACTIVITIES

In the 105th Congress, the Committee on Commerce conducted oversight of the NRC's regulation of commercial nuclear power plants by initiating two investigations into shutdowns of commercial reactors. One investigation focused on the shutdown of the three reactors operated by Northeast Utilities at the Millstone Power station in Connecticut, and the other focused on the shutdown of the two reactors operated by Commonwealth Edison at the Zion power station in Illinois. In light of the NRC's January 1997 decision to add 11 plants to its Watch List of problem commercial nuclear plants requiring increased regulatory attention, the Committee's oversight efforts primarily focused on the NRC's ability to ensure adequate protection of the public health and safety through its regulation of commercial nuclear power plants.

The Shutdown of the Millstone Nuclear Power Station Operated by Northeast Utilities

On February 26, 1997 and February 27, 1997 Committee staff conducted a site visit to NRC Region I which included Northeast Utilities' Corporate Headquarters and the Millstone power station

in Connecticut, to ascertain the extent of the regulatory problems which had led to the shutdown of Millstone and to determine the adequacy of the NRC's measures to ensure public health and safety at the site in the future. In the course of the site visit, Committee staff conducted 16 separate interviews with representatives from the Nuclear Regulatory Commission, Northeast Utilities, the Connecticut Department of Public Utility Control, and interested public parties. Following the site visit, the Committee continued its oversight of the NRC's efforts to bring the station into compliance with NRC regulations in order to restart the reactors. As part of its oversight effort, the Committee requested the Institute of Nuclear Power Operations (INPO) to provide copies of their confidential evaluation reports on Millstone to the Committee, in order to assess the adequacy of INPO's evaluation and self-regulatory process with regard to Millstone. On June 29, 1998 the NRC authorized Northeast Utilities to restart Millstone Unit 3. The Committee continues to monitor the situation at Millstone closely because the plant remains on the Watch List and Unit 1 and 2 remain shutdown.

The Shutdown of the Zion Nuclear Power Station Operated by Commonwealth Edison

On October 28 and October 29, 1997, staff conducted a site visit to NRC Region III which included the NRC's Region III headquarters, Commonwealth Edison's Nuclear Operations Division, and Zion Nuclear Energy Station. The purpose of the visit was twofold: (1) to ascertain the safety problems which led to the shutdown of the Zion nuclear plant and the NRC's decision to place four Commonwealth Edison nuclear plants on the Watch List in January 1997; and (2) to assess the adequacy of the NRC's subsequent efforts to end the cyclical nature of the deterioration in safety performance in Commonwealth Edison's Nuclear Division. In the course of the site visit, the Committee conducted 14 interviews with representatives from the NRC, Commonwealth Edison, the Illinois Department of Nuclear Safety, and interested public parties. As part of its inquiry, the Committee also requested copies of Commonwealth Edison evaluation reports from INPO.

In addition to the confidential evaluation reports which INPO provided to the Committee pursuant to the Committee's document request, INPO released a special public report on November 25, 1997, which was highly critical of Commonwealth Edison's overall performance and which highlighted serious weaknesses in the safety culture at Zion. In January 1998, the NRC added the two nuclear reactors at Commonwealth Edison's Quad Cities facility to its Watch List. Subsequently, on January 15, 1998, Commonwealth Edison announced the permanent shutdown of Zion. Although Zion's pending closure led the NRC to remove its reactors from the Watch List, six other Commonwealth Edison nuclear reactors remained on the Watch List issued by the NRC in June 1998. The Committee continues to monitor the NRC's efforts to end the longstanding cycle of periodic safety deterioration at Commonwealth Edison plants by introducing measures designed to improve both the individual performance of each nuclear plant and the overall performance of Commonwealth Edison's corporate management.

OVERSIGHT AND INVESTIGATIVE ACTIVITIES PERTAINING TO THE SECURITIES AND EXCHANGE COMMISSION

INVESTIGATIVE ACTIVITIES

In the 105th Congress, the Committee conducted oversight of the SEC and the regulatory activities of the stock exchanges by initiating an inquiry into illegal profit sharing arrangements between Oakford Corporation and brokers in the New York Stock Exchange (NYSE). In addition, the Committee continued its oversight of the SEC's implementation of the initiative to privatize the Electronic Data Gathering and Retrieval (EDGAR) system for corporate filings.

Illegal Profit Sharing Arrangements on the New York Stock Exchange

On March 25, 1998, pursuant to a request from the Committee, the New York Stock Exchange representatives met with Committee staff to discuss the profit sharing arrangements undertaken by Oakford Corporation (a NYSE registered broker-dealer) and eight NYSE brokers between October 1993 and March 1998. The NYSE reported on the joint investigation conducted by NYSE in conjunction with the SEC, the US Attorney's Office in Manhattan, the Federal Bureau of Investigation (FBI) and the Internal Revenue Service's Criminal Investigation Division, which resulted in the suspension of eight NYSE members and four member firms as well as the first criminal prosecution under Section 11A of Securities Exchange Act of 1934 and a civil enforcement action by the SEC under Section 11A and Section 17A of the 1934 Act. The NYSE also outlined the actions it intended to take to strengthen its Market Surveillance process.

On April 17, 1998, the SEC provided the Committee with a preliminary status report from SEC's Office of Compliance Inspections and Examinations on the SEC's expansion of the initial for-cause inspection in order to assess whether other brokers at the NYSE and other exchanges have been involved in similar illegal profit sharing arrangements. On July 23, 1998, the civil case was dismissed without prejudice at the request of the SEC because of discovery issues related to the criminal case. As of December, 1998, the criminal investigation was still ongoing and three NYSE floorbrokers had pled guilty to criminal charges stemming from the Oakford Investigation. The Committee continues to monitor the situation to determine the adequacy of the implementation of market surveillance reforms by NYSE and SEC in response to the systemic market problems identified with regard to the Oakford case.

EDGAR Privatization

On April 28, 1997, pursuant to the Committee's oversight responsibility for the SEC and the EDGAR privatization requirements of the National Securities Markets Improvement Act of 1996, the SEC reported to the Committee on the progress of its EDGAR privatization initiative. On May 23, 1997, the SEC provided the Committee with a refined EDGAR privatization initiative. On June 30, 1998, the SEC awarded BDM International, Inc. a three-year contract worth $49 million to modernize and maintain the EDGAR system.

At the end of the three years, the SEC has the right to require a full recompetition of the contract or it may extend the BDM contract for up to five years, for a total eight-year cost of $102 million. The contract which went into effect on July 1, 1998, provides for a dramatic reduction in the cost of a real-time EDGAR subscription, from the current rate of $278,000 to $72,686, or $47,439 if the number of subscribers increases to 16. The Committee continues to monitor the EDGAR privatization process in order to ensure that the SEC works with Congress to expand the options for accessibility and privatization of EDGAR, and also to ensure that the SEC does not incur unreasonable costs in its efforts to modernize the existing system.

HEARINGS HELD

FDA Policy on Home Drug Testing Kits.—Oversight Hearing on FDA Policy on Home Drug Testing Kits. Hearing held on February 6, 1997. PRINTED, Serial Number 105-4.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) Revisions—Part 1.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on The Clean Air Scientific Advisory Committee's (CASAC) Review. Hearing held on April 10, 1997. PRINTED, Serial Number 105-19.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) Revisions—Part 1.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on the Development of the Regulatory Impact Analysis for EPA's Proposed Revisions. Hearing held on April 17, 1997. PRINTED, Serial Number 105-19.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on The Perspectives of State and Local Elected Officials. Hearing held on May 1, 1997. PRINTED, Serial Number 105-24.

Department of Energy's Office of Science and Technology.—Oversight Hearing on the Department of Energy's Office of Science and Technology (OST). Hearing held on May 7, 1997. PRINTED, Serial Number 105-29.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on the Health Effects of Ozone and Particulate Matter. Hearing held May 8, 1997. PRINTED, Serial Number 105-24.

Review of the Environmental Protection Agency's Proposed Ozone and Particulate NAAQS Revisions—Part 2.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on the Views of the Environmental Protection Agency Administrator. Hearing held on May 15, 1997. PRINTED, Serial Number 105-24.

Continued Management Concerns at the National Institute of Health.—Oversight Hearing on Continued Management Concerns at the National Institute of Health (NIH), focusing on management concerns relating to human-embryo research funding and laws. Hearing held on June 19, 1997. PRINTED, Serial Number 105-26.

The Department of Energy's Implementation of Contact Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9.—Oversight Hearing on The Department of Energy's Implementation of Contact Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9. Hearing held on July 28, 1997. PRINTED, Serial Number 105-45.

The Department of Energy's Implementation of Contact Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9.—Oversight Hearing on The Department of Energy's Implementation of Contact Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9. Hearing held on July 29, 1997. PRINTED, Serial Number 105-45.

Adequacy of Access to Investigate Drugs for Seriously Ill Patients.—Oversight Hearing on the Adequacy of Access to Investigate Drugs for Seriously Ill Patients. Hearing held on September 23, 1997. PRINTED, Serial Number 105-44.

Medicare Waste, Fraud and Abuse.—Oversight Hearing on Medicare Waste, Fraud and Abuse. Hearing held on September 29, 1997. PRINTED, Serial Number 105-58.

Implementation of the Clean Air Act National Ambient Air Quality Standards (NAAQS) Revisions for Ozone and Particulate Matter.—Joint Oversight Hearing with the Subcommittee on Health and the Environment on Implementation of the Clean Air Act National Ambient Air Quality Standards (NAAQS) Revisions for Ozone and Particulate Matter. Hearing held on October 1, 1997. PRINTED, Serial Number 105-62.

Assessing the Department of Energy's Management of the National Laboratory System.—Oversight Hearing on Assessing the Department of Energy's Management of the National Laboratory System. Hearing held on October 9, 1997. PRINTED, Serial Number 105-55.

The Department of Energy's Implementation of Contract Reform: Mismanagement of Performance-Based Contracting.—Oversight Hearing on the Department of Energy's Implementation of Contract Reform: Mismanagement of Performance-Based Contracting. Hearing held on October 23, 1997. PRINTED, Serial Number 105-57.

Medicare Home Health.—Oversight Hearing on Medicare Home Health. Hearing held on October 29, 1997. PRINTED, Serial Number 105-64.

The Federal-State Relationship: A Look Into the Environmental Protection Agency Regulatory Reinvention Efforts.—Oversight Hearing on the Federal-State Relationship: A Look Into the Environmental Protection Agency (EPA) Regulatory Reinvention Efforts. Hearing held on November 4, 1997. PRINTED, Serial Number 105-51.

The Department of Energy's Funding of Molten Metal Technology—Part 1.—Oversight Hearing on the Department of Energy's Funding of Molten Metal Technology. Hearing held on November 5, 1997. PRINTED, Serial Number 105-69.

The Department of Energy's Funding of Molten Metal Technology—Part 1.—Oversight Hearing on the Department of Energy's Funding of Molten Metal Technology. Hearing held on November 7, 1997. PRINTED, Serial Number 105-69.

The Department of Energy's Funding of Molten Metal Technology—Part 2.—Oversight Hearing on the Department of Energy's Funding of Molten Metal Technology. Hearing held on November 21, 1997. PRINTED, Serial Number 105-77.

The Department of Energy's Funding of Molten Metal Technology—Part 2.—Oversight Hearing on the Department of Energy's Funding of Molten Metal Technology. Hearing held on February 12, 1997. PRINTED, Serial Number 105-77.

Medicare Waste, Fraud, and Abuse: A Regional Perspective.—Oversight Field Hearing in Colleyville, Texas on Medicare Waste, Fraud, and Abuse: A Regional Perspective. Hearing held on March 2, 1998. PRINTED, Serial Number 105-81.

The Federal-State Relationship: Environmental Self Audits.—Oversight Hearing on the Federal-State Relationship: Environmental Self Audits. Hearing held on March 17, 1998. PRINTED, Serial Number 105-79.

The General Accounting Office's Investigative Findings of Alleged Medicare Improprieties by a Home Health Agency.—Oversight Hearing on the General Accounting Office's Investigative Findings of Alleged Medicare Improprieties by a Home Health Agency. Hearing held on March 19, 1998. PRINTED, Serial Number 105-73.

Food and Drug Administration Management Concerns.—Oversight Hearing on Food and Drug Administration (FDA) Management Concerns. Hearing held on April 1, 1998. PRINTED, Serial Number 105-75.

Department of Health and Human Services Inspector General's Audit of the Health Care Financing Administration's Fiscal Year 1997 Financial Statements.—Joint Oversight Hearing with the Subcommittee on Health and Environment and the Committee on Government Reform and Oversight Subcommittee on Government Management, Information, and Technology on Department of Health and Human Services Inspector General's Audit of the Health Care Financing Administration's Fiscal Year 1997 Financial Statements. Hearing held on April 24, 1998. PRINTED, Serial Number 105-127.

Department of Energy's Hanford Spent Nuclear Fuel Project.—Oversight Hearing on Problems with the Department of Energy's Hanford Spent Nuclear Fuel Project. Hearing held on May 12, 1998. PRINTED, Serial Number 105-90.

Medicare Billing: Savings Through Implementation of Commercial Software.—Oversight Hearing on Medicare Billing: Savings Through Implementation of Commercial Software. Hearing held on May 19, 1998. PRINTED, Serial Number 105-96.

States' Alternative Environmental Compliance Strategies.—Oversight Hearing on States' Alternative Environmental Compliance Strategies. Hearing held on June 23, 1998. PRINTED, Serial Number 105-97.

The Department of Health and Human Services' Policy for Federal Workplace Drug Testing Programs.—Oversight Hearing on Department of Health and Human Services' Policy for Federal Workplace Drug Testing Programs. Hearing held on July 23, 1998. PRINTED, Serial Number 105-106.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 1.—Over-

sight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on August 4, 1998. PRINTED, Serial Number 105-120.

Environmental Protection Agency's Title VI Interim Guidance and Alternative State Approaches.—Oversight Hearing on the Environmental Protection Agency's Title VI Interim Guidance and Alternative State Approaches. Hearing held August 6, 1998. PRINTED, Serial Number 105-110.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 1.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on August 7, 1998. PRINTED, Serial Number 105-120.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 2.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on September 10, 1998. PRINTED, Serial Number 105-121.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 2.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on September 15, 1998. PRINTED, Serial Number 105-121.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 2.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on September 17, 1998. PRINTED, Serial Number 105-121.

Implementation of the Abstinence Education Provisions of the Welfare Reform Law.—Oversight Hearing on the Implementation of the Abstinence Education Provisions of the Welfare Reform Law. Hearing held on September 25, 1998. PRINTED, Serial number 105-123.

U.S.-E.U. (European Union) Mutual Recognition Agreement on Drug Inspections.—Oversight Hearing on the U.S.-E.U. (European Union) Mutual agreement on Drug inspections. Hearing held on October 2, 1998. PRINTED, Serial Number 105-129.

Abuses of the Medicare Partial Hospitalization Benefit at Community Mental Health Centers.—Oversight Hearing on Abuses of

the Medicare Partial Hospitalization Benefit at Community Mental Health Centers. Hearing held on October 5, 1998. PRINTED, Serial Number 105-124.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 3.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on October 6, 1998. PRINTED, Serial Number 105-122.

A Review of the Department of Energy's Hanford Radioactive Tank Waste Privatization Contract.—Oversight Hearing on A Review of the Department of Energy's Hanford Radioactive Tank Waste Privatization Contract. Hearing held on October 8, 1998. PRINTED, Serial Number 105-137.

The Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals—Part 3.—Oversight Hearing on the Circumstances Surrounding the Federal Communications Commission's Planned Relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives. Hearing held on October 9, 1998. PRINTED, Serial Number 105-122.

COMMITTEE ON COMMERCE OVERSIGHT PLAN FOR THE 105TH 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 two-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 105th Congress which the Full Committee considered and adopted by a voice vote on February 13, 1997, 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 105th 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

105TH CONGRESS

CONGRESSMAN TOM BLILEY, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-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 105th Congress. It includes the areas in which the Committee expects to conduct oversight during the 105th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

HEALTH AND ENVIRONMENT ISSUES

MEDICARE AND MEDICAID: WASTE, FRAUD, AND ABUSE

The Committee will continue its efforts to identify instances of and opportunities for waste, fraud, and abuse in the Medicare and Medicaid programs. This oversight will focus on a range of program areas, including administration, contracting, provider reimbursement, and eligibility determination.

MEDICAID

During the course of the 104th Congress, the Committee reviewed allegations that Federal statutory, regulatory, and administrative requirements of the Medicaid program have impeded the effective delivery of medical assistance services to eligible individuals. The Committee will continue this effort, with particular attention to the Administration's waiver process, the successes achieved by States granted additional flexibility to operate the program, and the extent to which Federal requirements increase coverage costs and limit States' ability to extend coverage to all eligible, and additional non-eligible, individuals and families.

HEALTH CARE SERVICE DELIVERY MECHANISMS

The Committee will review the various health care service delivery mechanisms, including fee-for-service, Health Maintenance Organizations (HMOs), and Provider Service Organizations (PSOs).

The Committee will review these delivery mechanisms in terms of quality, cost, and satisfaction.

IMPLEMENTATION OF THE HEALTH INSURANCE PORTABILITY ACT

On August 21, 1996, the Health Insurance Portability Act of 1996 was signed into law. This Act, which is based on legislation reported out of the Committee, reforms the nation's health insurance market by removing preexisting condition restrictions, eliminating "job lock," establishing tough anti-fraud and abuse measures, achieving greater tax fairness, and creating tax-favored Medical Savings Accounts. The Committee will closely monitor the Administration's implementation of the Act, with particular attention paid to the promulgation of regulations issued pursuant to it.

IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT

On August 3, 1996, the Food Quality Protection Act of 1996 was signed into law. This Act, which was reported out of the Committee, fundamentally reforms the nation's pesticide safety laws by creating a unified safety standard, establishing special protections for infants and children, permitting benefits consideration for pesticides, improving the detection of estrogenic effects, enhancing consumer information, and achieving greater uniformity of pesticide regulation. The Committee will closely monitor the Administration's implementation of the Act, with particular attention paid to the promulgation of regulations issued pursuant to it.

PROGRAM REAUTHORIZATIONS

As part of its consideration of the reauthorization of programs in the Public Health Service Act and the Substance Abuse and Mental Health Services Act, the Committee will review the efficacy and efficiency of the programs that need to be reauthorized. This review will focus on the extent to which the objectives of these programs are being met, whether essential needs are being adequately addressed, the ability of implementing agencies and other participants to comply with the statutory requirements and Congressional intent relating to these programs, and the areas in which program performance can be enhanced.

FOOD AND DRUG ADMINISTRATION'S APPROVAL PROCESS

As part of the Committee's ongoing effort to improve the Food and Drug Administration's (FDA's) review of applications for approval of new drugs, biologics, devices, and food additives, the Committee will continue its investigation of the delays experienced in this process, the nature and extent of these delays, the measures taken by the Agency to address these problems, and the medical, human, and financial impact they impose.

FDA MANAGEMENT ISSUES AND REFORM INITIATIVES

The Committee will examine the role and operations of FDA's senior management, the Commissioner's Office, the relationship of the Commissioner's Office to the drug center, the biologics center, the device center, the veterinary center, and the food center. The

Committee will examine how FDA maintains appropriate protection of confidential information relating to regulated products as well. The Committee will also examine the adequacy and effect of the proposed Reinventing Government Initiatives, including their implementation, impact, and ability to streamline FDA without reform legislation.

PRESCRIPTION DRUG USER FEE ACT

Several important issues relate to the reauthorization of the Prescription Drug User Fee Act (PDUFA) that expires at the end of Fiscal Year 1997 including an examination of why, although review times for new drug applications have declined, development times have increased; critical examinations of how FDA has spent PDUFA user fees and of the relationship between programs funded only by appropriated funds and those funded through user fees; and an investigation of whether FDA has been soliciting other industries to support user fees for their products such as medical devices and certain food related petitions. The Committee will review each of these issues.

FDA REGULATION OF FOOD AND FOOD PRODUCTS

The Committee will examine FDA's implementation of food labeling requirements under the Nutritional Labeling and Education Act (NLEA) and other FDA policies on food labeling, FDA's review of food additive petitions, and FDA's implementation of its biotechnology food policy. The Committee will also review the operations of the FDA's Center for Food Safety & Applied Nutrition (CFSAN) and the effect of FDA regulation on innovation in the food industry.

THE RELATIONSHIP BETWEEN FDA'S PRODUCT REVIEW AND COMPLIANCE ENFORCEMENT FUNCTIONS

The Committee will examine the ways that FDA maintains separation between its product review and compliance enforcement functions.

FDA REGULATION OF ADVERTISING

The Committee will examine the ways that the FDA regulates product advertising. For example, given the recent explosion of available information about medical products on the Internet, the Committee will examine the FDA's regulation of the promotion of drugs and devices over the Internet.

CONSUMER ACCESS TO HOME TESTING SERVICES AND DEVICES

The Committee will continue its oversight and investigations on consumer access to home testing services and devices. The Committee will hold an oversight hearing on the Food and Drug Administration's final regulation to provide for marketing of over-the-counter drugs-of-abuse testing systems to parents without the manufacturer being required to file a premarket application. In addition, the Committee will continue its oversight of FDA's regulatory

actions relating to non-invasive glucose monitors and hair-based home drug testing systems.

ALLEGATIONS OF FDA ABUSES OF AUTHORITY

The Subcommittee held a hearing on July 25, 1995, on allegations of 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. The Committee will continue to review allegations of FDA abuses of authority and also review issues of due process and consistency in applying regulatory standards.

FOREIGN INSPECTIONS

The Committee initiated an investigation last Congress into FDA's foreign inspections of manufacturers' bulk pharmaceuticals. The Committee will continue this investigation.

REGULATION OF THE PRACTICE OF MEDICINE

FDA frequently takes regulatory actions which appear to exceed its charter to regulate drugs, biologics, and devices, and which intrude on the practice of medicine and the availability of medical information. Examples of questionable FDA interference with the practice of medicine include the regulation of tissue, umbilical cord blood, homebrew software, custom devices, off-label drug information, breast implants, and off-label use of medical devices. The Committee will also continue to oversee FDA's regulatory practices and how they particularly affect cancer patient access to unapproved treatments.

NATIONAL INSTITUTES OF HEALTH RESEARCH INTEGRITY

The Committee will investigate the integrity of National Institutes of Health (NIH) biomedical research as well as the adequacy of investigations conducted by the Office of Research Integrity.

CLEAN AIR ACT AMENDMENTS OF 1990

During the 104th Congress, the Committee undertook a comprehensive review of the implementation and enforcement of the 1990 Amendments to the Clean Air Act. Hearings examined the employee commute option program, enhanced vehicle inspection and maintenance, the reformulated gasoline program, Title V permitting, the promulgation of MACT standards under Title III, regulations implementing sections 112(g), (j), and (r), national ambient air quality standards, and the Title VI stratospheric ozone program. The Committee intends to continue its oversight activities regarding the implementation and enforcement of the Clean Air Act and the 1990 Amendments and to conduct further detailed review of regulations which are proposed and promulgated to implement the Act, some of which are discussed below in greater detail.

ANY CREDIBLE EVIDENCE/COMPLIANCE ASSURANCE MONITORING

In February 1997, the Environmental Protection Agency (EPA) is expected to promulgate an "any credible evidence" final rule. The rule concerns what evidence may be used to determine whether a violation of the Clean Air Act has occurred. EPA is also expected to finalize a "compliance assurance monitoring" (CAM) rule, originally proposed in October 1993. A draft CAM rulemaking was opened for public comment in August 1996. The rule is intended to implement statutory language concerning "enhanced monitoring" added by the 1990 Amendments. The Committee intends to review closely both rules with respect to their adherence to the legislative language and intent of the 1990 Amendments.

VEHICLE INSPECTION AND MAINTENANCE ISSUES

The Clean Air Act requires that certain nonattainment areas (and certain other areas in the ozone transport region) adopt a vehicle Inspection and Maintenance (I&M) program for in-use motor vehicles registered in each urbanized area (in the nonattainment area). In the past, the Committee has examined the effectiveness of these I&M programs. One of the factors in assessing program effectiveness is the I&M avoidance rate. Because a minority of vehicles cause a majority of pollution, even a small avoidance rate could render an I&M program ineffective. The problem of vehicles avoiding I&M is exacerbated in border towns, where vehicles commute to work from across the border into a nonattainment area, thus contributing to air quality problems, but avoiding I&M inspections. The Committee intends to examine the overall effectiveness of I&M programs, and in particular, the problems of I&M avoidance faced by nonattainment areas on the border.

NATIONAL AMBIENT AIR QUALITY STANDARDS

On November 27, 1996, the Environmental Protection Agency announced its intention to propose new National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter. The proposals were subsequently published in the Federal Register and the EPA intends to promulgate final regulations by July 19, 1997. As proposed, the new NAAQS for ozone and particulate matter would result in the designation and redesignation of many areas of the country into "nonattainment" for ozone, particulate matter, or both. The proposals, if implemented, would also result in substantial cost to the economy and require additional regulatory actions to be undertaken at the State level.

The Committee intends to review closely the proposed standards including the legal and regulatory process which led to their proposal. In addition, the Committee will examine the impact that the new standards could have on individuals and businesses in affected areas, and will review the scientific documentation regarding the need for new standards and the anticipated benefits from them.

PROJECT XL

"Project XL" refers to a broad set of actions by EPA to give sources subject to regulation under the Clean Air Act and other en-

vironmental laws flexibility to develop alternative environmental strategies on the condition that such strategies produce greater environmental benefits. The program, which stands for "excellence and leadership," has implemented three projects, has 12 projects in development, and proposals for nine further projects. The Committee is interested in examining the opportunities provided by the Agency's implementation of this program.

NEW SOURCE REVIEW

EPA is expected to release a proposed rule regarding "new source review" (NSR) by mid-1997. NSR refers to the process and standards applicable to sources of pollution which constitute either new construction or a modification to an existing source resulting in an increase in emissions above a de minimis amount. Under NSR, affected sources must obtain construction permits, satisfy strict technology standards, and obtain "offsets" representing emission reductions from other sources. The Committee will review both the applicability of the new proposal and its effect on emissions.

IMPLEMENTATION OF SAFE DRINKING WATER ACT AMENDMENTS OF 1996

During the 104th Congress, the Committee produced successful legislation (Public Law 104-182) to reauthorize the Safe Drinking Water Act. This legislation substantially reformed the standard-setting process for new contaminants and established a $7.6 billion State Revolving Fund (SRF) to assist local water systems in complying with the Act. The Committee will review the implementation of the new law by the Environmental Protection Agency as well as the operation of the SRF.

ENVIRONMENTAL AUDITS

Many States have passed self-audit privilege laws designed to encourage voluntary disclosure and corrective action on the part of companies undertaking environmental audits. It is hoped that self-audit laws enhance the environment because companies are given an incentive to correct potential violations in a timely and effective fashion. EPA, for its part, has acknowledged the positive role self-audits play in its own audit policy, but in certain instances is considering withholding delegated authority to States that have passed such laws. The Committee will review EPA's policies and practices in regard to self-audit privilege.

STATE ENFORCEMENT PROGRAMS UNDER ENVIRONMENTAL STATUTES

Many Federal environmental statutes have been designed to allow for State implementation of environmental programs. EPA has provided funding to the States to be used to carry out these programs. The Committee believes that a strong State-Federal partnership, which minimizes duplication and increases efficiencies, is a necessary component to effective implementation of Federal environmental statutes. Currently, EPA is conducting a review of the States' reporting data for "significant violators" under various statutes' enforcement programs, including the Clean Air

Act. EPA has indicated that it intends to conduct similar reviews on the States' enforcement programs under other environmental statutes. The Committee will monitor EPA's review of the States' performances under these environmental statutes and will also review the underlying Federal-State partnership under these statutes to determine how well the programs are working and if any changes are necessary.

ENERGY AND POWER ISSUES

ELECTRIC UTILITY RESTRUCTURING

The Energy Policy Act of 1992 (EPAct) contained provisions which enabled wholesale competition in electricity to become a reality. Since then, Congress, the States, electric consumers and suppliers have begun to explore whether retail competition in electricity is feasible and/or desirable. The Committee is expected to undertake a comprehensive look at the electric power industry and explore the best options for increasing competition at the retail level.

FEDERAL ENERGY REGULATORY COMMISSION

The Federal Energy Regulatory Commission (FERC) regulates electric utilities, hydropower facilities, and natural gas and oil pipelines. The Committee will review how FERC discharges these responsibilities, in light of the sweeping changes in the electric industry. Some of the specific areas the Committee may examine are FERC's implementation of Orders 888 and 889 and FERC's merger policy, including its approach to market power. The Committee will also examine FERC's hydropower relicensing process and natural gas policies.

DEPARTMENT OF ENERGY'S BUDGET REQUEST

The Committee will hold hearings on the Department of Energy's (DOE's) budget requests for Fiscal Years 1998 and 1999 and closely examine the requests. The missions of DOE have shifted rather dramatically over time. When the Department was established, its major mission was promoting energy security. At present, the principal DOE missions (in order of importance) are environmental management, defense programs, science and technology, and energy security. DOE has sought to add new missions such as trade promotion and enhancing environmental quality. The Committee will examine the budget requests and determine whether they are consistent with the priorities of the Committee.

DEPARTMENT OF ENERGY'S OFFICE OF ENVIRONMENTAL MANAGEMENT

The Committee has been reviewing the Office of Environmental Management's (EM) progress on cleaning up the Department's contaminated waste sites. The Committee wants to ensure that the Department is cleaning up these sites in the most cost-effective and responsible manner. To that end, the Committee will focus on the Department's overall cleanup program including support costs and program management.

The Committee is also reviewing EM's management of its Office of Science and Technology (OST). The purpose of this office is to promote the development of innovative technologies for waste cleanup in the EM program that will save money and reduce risks. Congress has appropriated $2.6 billion to this office since 1990. Given the apparent lack of technology deployments and demonstrated cost savings, the Committee is concerned that this office is not being properly managed. The Committee will continue to review EM's management of this office and OST's funding decisions.

PLUTONIUM DISPOSITION AND STOCKPILE MANAGEMENT

In December 1996, DOE released its plan for excess weapons plutonium disposition, which involves a two-track strategy of vitrification (mixing plutonium with glass, then disposing as high-level radioactive waste) and mixing plutonium with uranium to create mixed-oxide fuel (MOX) for use in commercial nuclear reactors. After reactor utilization, the MOX fuel assemblies would be disposed of as high-level radioactive waste. The Committee will closely examine the DOE proposal, including examining the technological difficulties associated with the vitrification option, the potential difficulties associated with MOX fuel fabrication and use in commercial reactors, and the relative costs involved in the two-track approach. The Committee will also review whether the Department is adequately safeguarding these materials.

WASTE ISOLATION PILOT PLANT

The Committee was instrumental in the passage of legislation in 1996 to expedite the opening of the Waste Isolation Pilot Plant (WIPP), which will dispose of transuranic waste generated as a result of U.S. atomic defense activities. The Committee plans to follow up on implementation of these amendments, and conduct rigorous oversight of DOE and EPA on their efforts and progress to license the WIPP facility and to characterize and package waste which is destined for disposal at WIPP.

TRITIUM PRODUCTION

DOE announced in 1996 that it intends to use commercial nuclear reactors for its production of tritium for defense purposes. The Committee held a hearing on this issue in the 104th Congress, and plans to continue examining the effects this mission will have on reactor operations, power generation, Nuclear Regulatory Commission (NRC) licensing, and waste disposal.

REGULATION OF DOE NUCLEAR FACILITIES

DOE nuclear facilities are currently not subject to external regulation. An Advisory Committee on External Regulation of Department of Energy Nuclear Safety recommended that the facilities be subject to external regulation, and proposed that either the Nuclear Regulatory Commission (NRC) or a restructured Defense Nuclear Facilities Safety Board perform this external oversight. DOE selected the option of external regulation by the NRC. The Committee will review DOE's proposed transition plan toward external reg-

ulation, and examine whether this plan will improve the regulation of DOE nuclear facilities in a timely manner.

NUCLEAR REGULATORY COMMISSION

The mission of the Nuclear Regulatory Commission is to ensure adequate protection of the public health and safety through regulation of commercial nuclear power plants; nonpower research, test, and training reactors; fuel cycle facilities; medical, academic, and industrial uses of nuclear materials; and the transport, storage, and disposal of nuclear waste. The Committee will conduct oversight of how the Commission discharges these responsibilities, and whether the Commission is an effective regulator of nuclear facilities. To that end, the Committee is investigating the shutdown in Connecticut of the three nuclear reactors at the Millstone power station site and the one reactor at the Haddam Neck power station site. The Committee will also consider whether the Commission should be granted regulatory authority over DOE nuclear facilities.

ENERGY EFFICIENCY STANDARDS

The Energy Policy and Conservation Act established energy efficiency standards and directed DOE to consider revisions to these standards. The primary purpose of the appliance standards program is to promote energy efficiency. Concerns have been raised about how DOE has developed revised standards, the impact of the standards on consumers, their potential anti-competitive effects, and the impact on manufacturers. The Committee will review the revised standards issued by DOE.

ALTERNATIVE FUELS

The Committee will continue to monitor implementation of the Clean Air Act and Energy Policy Act alternative fuel mandates. Hearings will address the cost of the programs, regulations being promulgated by the agencies responsible for implementing the provisions, the cost-effectiveness of these programs in achieving their objectives, and if there are less costly alternatives to achieve the same goals.

GLOBAL CLIMATE CHANGE

In June 1992, the United States signed the Framework Convention on Climate Change (Rio Treaty), which provided for developed countries to aim to reduce their greenhouse gas emissions to 1990 levels by the year 2000. In March 1995, the United States agreed to participate in international negotiations to strengthen and extend those commitments beyond the year 2000. Those negotiations are expected to be concluded in December of 1997. The Committee will closely monitor the progress of this agreement to assure that it is realistic and achievable and does not harm the trade competitiveness of the United States with respect to its developed and developing country trading partners.

STRATEGIC PETROLEUM RESERVE/U.S. ENERGY SECURITY

In the 104th Congress, the sale of approximately 30 million barrels of oil from the Strategic Petroleum Reserve (Reserve) was authorized in order to meet budget goals. At the same time, U.S. dependence on imported crude oil and refined products exceeded 50 percent and oil suppliers have steadily reduced the number of barrels held in inventory to meet consumer needs. The Committee is expected to hold hearings on whether the Reserve is still a cost-effective method of assuring U.S. energy security and whether other steps are necessary to protect the U.S. economy and U.S. consumers from shut-offs in foreign oil supplies.

CONTRACT REFORM

The Department of Energy has developed a contract reform plan to improve its management of DOE contractors, particularly management and operating contractors. Contract reform is essential to improving DOE performance, since 90 percent of DOE's budget is allocated to its contractors. The Committee will examine DOE's contract reform policy, and determine whether DOE is adequately implementing contract reform.

SALE OR LEASE OF THE NAVAL PETROLEUM RESERVES

The Naval Petroleum and Oil Shale Reserves are commercial oil and gas fields operated by the Federal government that do not have any strategic or national security value. In the 104th Congress, the sale of the Naval Petroleum Reserve No. 1 (Elk Hills, California) was authorized. The Committee will continue to monitor the sale process to assure that taxpayers are fully compensated for their investments in the Reserve. In addition, the Committee will explore whether it makes economic sense to sell or lease the remaining Naval Petroleum Reserves (located in California and Wyoming) and the Naval Oil Shale Reserves (located in Colorado and Utah).

SALE OF THE UNITED STATES ENRICHMENT CORPORATION

The United States Enrichment Corporation (USEC) is the governmental corporation which oversees all domestic uranium enrichment activities. The Committee was instrumental in the passage of legislation to privatize USEC in early 1996. To this point, however, the Administration has not taken final action to approve the sale of the Corporation. The Committee will continue to monitor the Administration's efforts in this regard to ensure that privatization moves forward and that U.S. taxpayers receive an appropriate return on the sale of the Corporation.

DOE ASSETS SALES

DOE has significant stockpiles of precious metals, chemicals and industrial gases, scrap metals, base metals, fuel, major equipment, and other assets. DOE proposed selling some of these assets for $75 million, but the lowest estimates suggest that these assets are worth $250 to $300 million. DOE has conceded it does not know the value of its assets. The Committee will conduct oversight to

identify the true value of DOE's assets and to ensure that the Department receives market value for these assets.

FINANCE AND HAZARDOUS MATERIALS ISSUES

IMPLEMENTATION OF THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

The Committee will oversee the implementation of the National Securities Markets Improvement Act of 1996. In addition, the Securities and Exchange Commission (SEC) is preparing two studies, mandated in the law, on the effects of uniformity of State regulation and the lack of uniformity on securities issuers and broker-dealers. These studies, together with information the Committee receives regarding the actual impact of the new law on State securities regulation, will provide the Committee with information that can be used as the basis for an oversight hearing to ensure the law is being implemented to eliminate duplicative State securities regulation.

ANALYSIS OF CAPITAL FORMATION, EFFICIENCY, AND COMPETITION IN SEC RULEMAKING

Under the National Securities Markets Improvement Act of 1996, whenever the SEC is engaged in rulemaking pursuant to a statutory provision that requires the SEC to consider investor protection, the SEC must also consider the rule's impact on efficiency, competition, and capital formation. The Committee will seek to ensure the SEC is conducting appropriate analyses to carry out its obligation under this new provision.

PRIVATE SECURITIES LITIGATION REFORM ACT: STATE LEGISLATIVE EFFORTS SUCH AS PROPOSITION 211 IN CALIFORNIA

Proposition 211 would have substantially undermined the statutory changes of the Private Securities Litigation Reform Act of 1995. The Committee will examine the circumstances surrounding 211, and the effect it would have wrought on interstate commerce.

THE SMALL ORDER EXECUTION SYSTEM

The Small Order Execution System (SOES) is the system set up by the National Association of Security Dealers Automated Quotations (NASDAQ) in the wake of the 1987 crash to ensure that small customers' orders would get filled. SOES provides for automatic execution of small customer orders. The SEC pressured the NASDAQ to raise the number of shares that could be traded via SOES to 1000 per trade. There have been abuses of this system that have hurt liquidity for small companies. This practice may amount to market manipulation, and the Committee will examine the SEC's treatment of the issue.

PRESERVING DERIVATIVES' STATUS AS PRIVATE CONTRACTS

The Financial Accounting Standards Board (FASB), which is under the jurisdiction of the SEC and therefore under the jurisdic-

tion of the Committee, is considering changes to the accounting treatment of derivative transactions. The Committee will monitor this proposal to ensure that investors are protected and that the utility of derivatives is not diminished.

SOCIAL SECURITY MODERNIZATION AND ITS EFFECTS ON THE MARKETS

The Committee has jurisdiction over securities and exchanges. In connection with the recent Commission Report on financing Social Security in the next century, the Committee will examine the effect of the different proposals on the financial markets.

BANK MUTUAL FUNDS

The Committee will examine the regulation of mutual fund sales by banks in light of the General Accounting Office (GAO) report indicating some deficiencies in the areas of training of bank personnel and unusual fee structures charged by banks. The hearing will focus on the role of the Comptroller of the Currency in enforcing existing regulations and the adequacy of those regulations.

FEDERAL BARRIERS TO COMMON SENSE CLEANUPS

Since the enactment of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) in 1980, the Environmental Protection Agency (EPA) has placed 1,387 sites on the National Priorities List (NPL). Approximately 130 of these sites have been cleaned up and "de-listed" over this time. Additionally, according to EPA's 1998 budget request, "[c]onstruction is underway at nearly 500 sites with an additional 410 NPL sites being 'construction complete' as of the end of 1996." In addition to NPL sites and those in the RCRA corrective action program, according to EPA estimates, there may be as many as 500,000 "brownfields" sites across the country. "Brownfields" are abandoned or underutilized former industrial facilities where fear of environmental contamination on the part of potential developers complicates expansion or redevelopment.

The Committee will review the implementation of State cleanup programs and will investigate whether changes to existing Federal laws are necessary to expedite cleanups at these sites to ensure the protection of human health and the environment.

RISK ASSESSMENT AND CHARACTERIZATION PRACTICES

Congress, through the recent Safe Drinking Water Act, requires EPA to follow risk assessments based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices. These same principles have been announced through the recent final report of the Risk Assessment and Management Commission established under the Clean Air Act. This report provides that a good risk management decision "is based on a careful analysis of the weight of scientific evidence that supports conclusions about a problem's potential risks to human health and the environment." The Committee will assess current agency risk assessment and characterization practices to identify problems and plans for change.

RESOURCE CONSERVATION AND RECOVERY ACT

EPA is currently considering changes to the definition of Solid Waste under the Resource Conservation and Recovery Act (RCRA). The Committee will examine what changes EPA is considering and determine what effects these changes will have on both the regulated community and the public.

TOXIC RELEASE INVENTORY

The Toxic Release Inventory (TRI) is the database in which information is collected under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). Information on the TRI database is available to the public. EPA has noticed its intention to expand the TRI to include information on chemical use, or materials accounting. Chemical use refers to information about the amounts of chemicals coming into a facility, amounts transformed into products and wastes, and the resulting amounts leaving the facility site. EPA believes that such information would be useful to the public. Opponents feel that such information is not only unneeded, but costly, and has the potential to expose confidential trade secrets. The Committee will review EPA's proposal to expand the TRI program.

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

The Committee will oversee the Financial Standards Accreditation program, and will examine recent efforts by the National Association of Insurance Commissioners (NAIC) to regulate investment guidelines, company splits, and producer database networks. The Committee will also review the role of the NAIC in the functional regulation of insurance products offered by non-insurance companies and agents, the involvement by the NAIC in setting uniform standards for commercial insurance transactions, and the implementation of NAIC proposals to address insurance fraud. The Committee will also oversee NAIC consideration of deregulation for sophisticated commercial insurance transactions, allowance of reciprocal brokerage licensing, and development of multi-state insurance compacts.

NATURAL DISASTER INSURANCE AND STATE UNDERWRITING POOLS

The Committee will assess the development and impact on the private market of the State insurance underwriting pools in Florida and California, both separately and in conjunction with natural disaster insurance legislation.

CREDIT INSURANCE

The Committee will examine concentration in the provision of credit insurance by banks. The Committee will examine whether the applicable anti-tying rules are being enforced.

TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION ISSUES

IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

On February 8, 1996, the Telecommunications Act of 1996 was enacted into law. The Act fundamentally changes the way the telecommunications industry will be regulated. In particular, the Act swept away more than 60 years of outdated laws and regulations and replaced them with pro-competitive provisions. Under the Act, the Federal Communications Commission (FCC) is required to conduct approximately 80 rulemakings on major issues such as interconnection, universal service, Bell Operating Company entry into the long distance market, accounting and non-accounting safeguards, cable reform, open video systems, and regulatory reform. A series of hearings will review whether the FCC's implementation of the Act meets the goals specified by Congress.

FEDERAL COMMUNICATIONS COMMISSION

Congress created the Federal Communications Commission (FCC) in 1934 for the purpose of regulating interstate and foreign communication by wire and radio. Upon the successful implementation of the Telecommunications Act of 1996, the need for regulation of the telecommunications industry diminishes. The Committee will evaluate the need for restructuring the FCC once competition flourishes in each telecommunications market.

CELLULAR PRIVACY

Several provisions of the Communications Act of 1934, as amended (the Act), protect the rights of individuals from having their telephone conversations, both wireline and wireless, monitored without their permission. The Act also prohibits the use of certain devices that enable a conversation to be unlawfully intercepted. The Committee will examine whether the current laws are adequately protecting consumers and whether the Federal Communications Commission is properly enforcing the Act and its rules implementing the Act.

SPECTRUM MANAGEMENT

There have been several laws passed in recent years that involve the use of the radio spectrum. For example, in 1993, Congress enacted the Omnibus Budget Reconciliation Act (OBRA) authorizing the Federal Communications Commission (FCC) to auction the right to use portions of the radio spectrum. More recently, as part of the Telecommunications Act of 1996 (the Act), Congress permitted the FCC to issue additional licenses for use of the radio spectrum for advanced television services, but also required that recipients of the additional license surrender either the additional license or the original license for reallocation or reassignment. A number of complex issues are involved with the successful implementation of the OBRA and the Act, including considering the needs of the public safety community, broadcasters, commercial users, and the Federal government. The Committee will conduct a

series of hearings on spectrum management issues, including one to help ensure that expediting new services to the marketplace is a primary goal in management of commercial spectrum.

CORPORATION FOR PUBLIC BROADCASTING

Congress created the Corporation for Public Broadcasting (CPB) in the Public Broadcasting Act of 1967. Historically, the Committee has been charged with monitoring the activities of the CPB and authorizing appropriations. The Committee will investigate to what extent Federal funding is necessary for the continued survival of CPB.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Congress created the National Telecommunications and Information Administration (NTIA) in 1978 to perform a number of functions including: advising the President on telecommunications policy; developing policies for international communications conferences; managing Federal use of the radio frequency spectrum; and awarding financial grants to communications companies that are in need of assistance. The Committee will examine NTIA's execution of these functions.

TELECOMMUNICATIONS TRADE AGREEMENTS

The United States is a party to a number of bilateral and multilateral trade agreements. Specifically, the U.S. has bilateral telecommunications agreements with Japan, Korea and Taiwan, and plurilateral agreements with Canada and Mexico through NAFTA. Multilateral negotiations for a World Trade Organization agreement on basic telecommunications services are scheduled to conclude by February 15, 1997, and to be effective January 1998. The Committee will oversee any ongoing negotiations and the implementation of telecommunications trade agreements.

AUTOMOBILE SAFETY—AIRBAGS AND OTHER SAFETY DEVICES

Since the last reauthorization of the National Highway Traffic Safety Administration (NHTSA) in 1991, it is increasingly apparent that the perceived safety of automobiles is one of the key criteria consumers use when making automobile purchasing decisions. With this fact in mind, the Committee will continue its oversight of NHTSA's efforts to refine its existing motor vehicle safety standards and promulgate new ones. The Committee will pay particular attention to the recent developments surrounding airbags and will closely examine the appropriateness of the legislative mandate for airbags.

AUTOMOBILE SAFETY—NHTSA DEFECT INVESTIGATIONS

With increasing public focus on automobile safety, NHTSA's existing defect investigations process has taken on increased importance. However, serious questions persist about the fairness and due process accorded those who are the targets of these investigations. Sometimes, a NHTSA defect investigation can result in a "trial-by-press-release" whereby an automobile manufacturer is

forced into recalling a vehicle through negative press coverage before there is conclusive evidence that a defect exists. The Committee will closely examine the process used by NHTSA to conduct these investigations in an effort to see if improvements can be made that will increase fairness to those who are targets of these investigations without compromising safety.

AUTOMOBILE SAFETY—THE NATIONAL CRASH ASSESSMENT PROGRAM

In its Fiscal Year 1998 budget request, NHTSA requested a substantial increase in funding for its National Crash Assessment Program (NCAP), a program where the government evaluates the crash worthiness of various automobiles and light trucks. The Committee will examine whether this expansion of the program is warranted and whether this function could be better handled by private-sector organizations which already conduct similar kinds of testing.

AMERICAN AUTOMOBILE LABELING ACT

The American Automobile Labeling Act (AALA), which was enacted in 1993, requires automobile manufacturers to list domestic content on automobile stickers. The Committee will examine the costs, benefits, and unforeseen consequences of this legislation to determine whether significant costs have been passed on to consumers for little apparent benefit.

CONSUMER PROTECTION ENFORCEMENT

The Committee will continue its oversight of the Federal Trade Commission (FTC) and its effort to protect consumers against unfair or deceptive trade practices. The Committee will pay particular attention to the efforts to enforce the Telemarketing Fraud and Consumer Protection Act of 1993 and the FTC's efforts to prevent consumer fraud in an increasingly global environment.

"MADE IN AMERICA" LABELING STANDARDS

In our increasingly global marketplace, many feel that the current FTC standard for labeling a product as "Made in America" or its equivalent—100 percent or nearly 100 percent domestic content—is inappropriate. During 1995 and 1996, the FTC undertook an extensive effort to examine this issue, including public workshops and surveys. The FTC staff is scheduled to make a recommendation to the Commission regarding revisions, if any, to the existing enforcement guidelines on "Made in America" claims. The Committee will continue to monitor this process.

TRADE

The Committee will examine the implementation of the North American Free Trade Agreement (NAFTA), as well as its potential expansion to Chile and the resulting effects on reducing bilateral non-tariff trade barriers. The Committee will also continue its ongoing oversight over trade related issues connected to insurance and other financial services, consumer protection standards, energy issues, drug patent issues, etc.

EFFECTIVENESS OF FEDERAL EXPORT PROMOTION PROGRAMS

Oversight activities during the 104th Congress revealed that trade claims made by the Department of Energy were ambiguous, and that some claims of American job creation resulting from alleged contracts were exaggerated. The Committee received allegations of double counting of projects claimed by competing Federal agencies, and allegations that trade missions conducted by various agencies were not well-coordinated. In the last Congress, the Committee moved to consolidate Federal export promotion programs into one Federal agency in order to achieve managerial and strategic efficiencies. This Committee will review the effectiveness of the inter-agency Trade Promotion Coordinating Committee and its constituent programs.

CONSUMER PRODUCT SAFETY COMMISSION

The Consumer Product Safety Commission's (CPSC's) authorization has expired, and the Committee will be continuing its oversight of the CPSC's activities, both separately and in the context of reauthorization. Potential areas of investigation by the Committee include a review of Commission officials' political activities, changes in the CPSC's press policies, lack of the use of cost-benefit analysis in the agencies' resource allocation, and the appropriate role of the agency and its Commissioners in allegedly issuing press statements and threatening the use of adverse publicity to pressure product sellers into "voluntary" settlements.

TOURISM

The Committee will hold oversight hearings on the newly created United States National Tourism Organization (USNTO) to encourage the timely evolution of USNTO's management structure and fundraising and promotion goals.

DEPARTMENT OF COMMERCE MANAGEMENT ISSUES

During the 104th Congress, the Committee began investigating whether Department of Commerce officials used their positions to facilitate political contributions or to engage in improper political activities. During the 104th Congress, the Committee also began an investigation into the Department's Minority Business Development Agency (MBDA) award of a cooperative agreement to a company to operate a major minority business development center in Los Angeles, California. In the course of that investigation, the Committee began reviewing MBDA's award of other cooperative agreements and other grants. The Committee will continue to investigate these matters.

OTHER ISSUES

GOVERNMENT PERFORMANCE AND RESULTS ACT

Under the Government Performance and Results Act (GPRA), all agencies with budgets in excess of $20 million are required to develop, no later than by the end of Fiscal Year 1997, strategic plans

that cover a period of at least 5 years and include the agency's mission statement; identify the agency's long-term strategic goals; and describe how the agency intends to achieve those goals through its activities and through its human, capital, information, and other resources. The Committee will review all the plans of agencies that are within this Committee's jurisdiction.

SYSTEMS OF ACCOUNTING FOR REGULATORY COSTS

Many Federal agencies appear to have no management tools to assess the overall cost impact of regulatory programs on the economy or identify program elements which are more costly than beneficial. Recent provisions in the Omnibus Appropriations legislation require Federal agencies to provide estimates of cumulative regulatory program costs and benefits. The Committee will evaluate, for programs within the Committee's jurisdiction, both existing management tools for assessing regulatory costs and plans for compliance with recent regulatory accounting requirements.

PART B

IMPLEMENTATION OF THE COMMITTEE ON COMMERCE OVERSIGHT PLAN FOR THE 105TH CONGRESS

HEALTH AND ENVIRONMENT ISSUES

MEDICARE AND MEDICAID: WASTE, FRAUD, AND ABUSE

In the 104th Congress, the Committee on Commerce held two hearings on Medicare waste, fraud and abuse, which focused on the vulnerabilities of the Medicare Program. In the 105th Congress, the Committee continued its efforts to identify instances of and opportunities for waste, fraud, and abuse in the Medicare Program, and to craft legislative language to address the problems identified.

During its consideration of legislation to reform the Medicare Program, the Committee adopted legislative language to address waste, fraud, and abuse. This language was incorporated into Title IV of H.R. 2015, the Balanced Budget Act of 1997, as introduced in the House and as passed by the House, and is included in Title IV of Public Law 105-33, the Balanced Budget Act of 1997.

In addition, on September 29, 1997, the Subcommittee on Oversight and Investigations held an oversight hearing on Medicare Waste, Fraud, and Abuse. The hearing focused on the Health Care Financing Administration's (HCFA's) efforts to fight Medicare waste, fraud and abuse. Specifically, the Subcommittee examined HCFA's efforts to enhance Medicare's pre-payment detection capabilities with Commercial Off-the-Shelf (COTS) software, and its efforts to develop an integrated Medicare Transaction System (MTS), an automated claims processing system that would consolidate HCFA's eight different automated information systems into a single Medicare claims system.

On October 29, 1997, the Subcommittee on Oversight and Investigations held a hearing on Home Health Care fraud and HCFA's efforts to implement the anti-fraud provisions of the Balanced Budget Act (BBA) as they relate to home health care. The Subcommittee heard from witnesses from the General Accounting Office (GAO), HCFA, the Department of Health and Human Services Office of the Inspector General (HHS OIG), the Federal Bureau of Investigation (FBI), as well as private entities. Home health has been one of the fastest growing components of today's Medicare program. Home health was originated as an alternative to more costly and lengthy hospital stays, and has been part of Medicare since Medicare's inception in 1965. As home health expenditures have rapidly increased, so have the problems with waste, fraud, and abuse. In July, the HHS Office of Inspector General released two reports concerning home health fraud. In its first report, the

OIG reported that nearly 40 percent of home health care services provided under the Medicare program were unjustified because they did not meet Medicare reimbursement requirements. In the second report, the OIG found that 1 out of every 4 Medicare-certified home health agencies were "problem" providers and, while not inherently fraudulent, had abused Medicare funds. Home health agencies, as a source of waste in the Medicare program, will remain a major focus of the Committee's oversight activities.

On March 2, 1998, in Colleyville, Texas, the Subcommittee on Oversight and Investigations held a hearing on Medicare waste, fraud and abuse. The purpose of the hearing was to gain a regional perspective on the problems that are currently plaguing the Medicare system from those who fight Medicare waste on a daily basis, as well as to hear concerns from representatives of the health care industry. The hearing presented specific real-world examples of waste, fraud, and abuse and how HCFA is responding. The Subcommittee intends to maintain the communication links established through this hearing between those involved with combating Medicare waste at the local level and the Members in Congress.

On Thursday, March 19, 1998, the Subcommittee on Oversight and Investigations held a hearing on Medicare home health. Specifically, the Subcommittee heard from the General Accounting Office's (GAO's) Office of Special Investigations (OSI) regarding its findings of alleged Medicare improprieties by home health care provider Mid-Delta Home Health (now known as Mid-Delta Health Systems, Inc.) of Belzoni, Mississippi, and affiliated companies. GAO questioned the propriety of certain payroll costs and other costs that Mid-Delta claimed for Medicare reimbursement. After this hearing and a subsequent hearing in which GAO presented its official findings, Chairmen Bliley and Barton, along with Ranking Members Dingell and Klink, wrote to the Attorney General referring GAO's report for appropriate action.

As a result of this hearing and a separate Subcommittee on Oversight and Investigations hearing on May 19, 1998, on COTS, HCFA finally undertook a pilot program to test this technology, after resisting for years recommendations by the General Accounting Office to implement a software technology that could potentially save hundreds of millions of dollars annually in improper Medicare payments. The Committee's vigorous oversight efforts ensured that HCFA conducted this pilot program testing in a fair manner.

On September 30, 1998, HCFA signed a contract with HBOC to apply their commercial-off-the-shelf software procedure to process edits to Medicare claims. The Committee intends to closely monitor HCFA's efforts to implement this money saving software.

On October 5, 1998, the Subcommittee on Oversight and Investigations held a hearing that focused on the widespread abuse of Medicare's Partial Hospitalization Program (PHP) benefits by Community Mental Health Centers (CMHCs). The hearing focused on the adequacy of the Health Care Financing Administration's (HCFA's) efforts to ensure that CMHCs comply with statutory and regulatory guidelines for providing partial hospitalization services under Medicare in light of unexpectedly rapid growth in Medicare partial hospitalization payments coupled with evidence of wide-

spread fraud and abuse of the PHP program by CMHCs. The HHS Inspector General issued a report at the hearing, which found that more than 90 percent of the providers and services reviewed were ineligible for Medicare funding—the worst rates of noncompliance in Medicare history. The hearing also highlighted concerns regarding the adequacy of HCFA's proposed action plan to prevent further abuse of the Partial Hospitalization Program benefits by providers, in particular, the Inspector General indicated that HHS needs to conduct an evaluation of PHP programs run by hospitals.

MEDICAID

In the 105th Congress, the Committee continued its review of the Medicaid Program. This effort included a focus upon the Administration's waiver process, and the merits of State flexibility versus accountability for Federal dollars spent and beneficiary protection.

On March 11, 1997, the Subcommittee on Health and Environment held an oversight hearing on Medicaid Reform: The Governors' View. The hearing examined *The Governors' Agenda for the 105th Congress,* which was unanimously adopted by the National Governors' Association (NGA). Among other provisions, the Agenda expressed the NGA's recommendations for reforming the Medicaid Program. Other witnesses at the hearing discussed the need for Federal protections to ensure Medicaid funds were being used for their statutory purpose and not diverted to other programs.

On the basis of information reviewed by the Committee, and pursuant to reconciliation instructions, legislation addressing the Medicaid program was adopted by the Committee and incorporated into Title III of H.R. 2015, the Balanced Budget Act of 1997, as introduced in the House and as passed by the House, and is included in Title IV of Public Law 105-33, the Balanced Budget Act of 1997.

HEALTH CARE SERVICE DELIVERY MECHANISMS

The Committee reviewed the nature, scope, and effectiveness of various health care service delivery mechanisms, including fee-for-service, Health Maintenance Organizations (HMOs), and Provider Service Organizations (PSOs). The Committee's review focused in particular upon the performance of these mechanisms in terms of quality, cost, and satisfaction. The findings from this effort were applied in the development of legislation pertaining to the quality, affordability, and accessibility of health coverage in the current market.

IMPLEMENTATION OF THE HEALTH INSURANCE PORTABILITY ACT

During the course of the 105th Congress, the Committee closely monitored the Administration's implementation of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191). This Act reformed the nation's health insurance market by removing preexisting condition restrictions, eliminating "job lock," establishing tough anti-fraud and abuse measures, achieving greater tax fairness, and creating tax-favored Medical Savings Accounts.

The Committee's review focused specifically on the promulgation of regulations issued pursuant to the Act. Committee staff met

with representatives of the Department of Health and Human Services and closely reviewed the regulations and other actions taken by the Department.

IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT

In keeping with the Committee's integral role in developing the Food Quality Protection Act of 1996 (Public Law 104-170), the Committee on Commerce played an active role in monitoring its implementation. Committee staff conducted frequent meetings with agency representatives; reviewed timetables for action, letters, and other mechanisms communicating agency policy; and provided feedback to ensure complete accordance with the Act's statutory language and intent. In addition, the Committee addressed an unintended consequence that resulted from the Act's transfer of jurisdiction of antimicrobial substances from the Food and Drug Administration to the Environmental Protection Agency. The Antimicrobial Regulation Technical Corrections Act of 1998 (Public Law 105-324) was developed by the Committee and enacted to correct this error.

PROGRAM REAUTHORIZATIONS

As part of its consideration of the reauthorization of programs in the Public Health Service Act and the Substance Abuse and Mental Health Services Act, the Committee held hearings and developed legislation which was enacted into law to extend and improve many of these programs.

Substance Abuse and Mental Health Services Act

On March 18, 1997, the Subcommittee on Health and Environment held an oversight hearing on the reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA). SAMHSA was created in 1992 to consolidate the Federal government's research and delivery of substance abuse prevention and treatment services, and mental health services. With respect to substance abuse and mental illnesses, SAMHSA supports prevention and early intervention activities; develops, identifies, evaluates, and disseminates policies and service delivery systems which have been shown to have the best outcomes; and attempts to improve access to needed services.

Mammography Quality Standards Act

The Subcommittee on Health and Environment held a hearing on Friday, May 8, 1998, on the Reauthorization of the Mammography Quality Standards Act. This hearing led to the enactment of the Mammography Quality Standards Reauthorization Act of 1998 (Public Law 105-248), which reauthorizes programs for inspection and certification of mammography facilities. The law also provides for direct patient notification of all mammography examinations, requiring that "a summary of the written report shall be provided to every patient in terms easily understood by a lay person;" and permits the Food and Drug Administration (FDA) to conduct a limited demonstration project to determine the feasibility of inspecting

high-performing mammography facilities on a less than annual basis.

Bone Marrow Donation and Transplantation

More than 30,000 children and adults in the U.S. are diagnosed each year with leukemia, aplastic anemia, or other life-threatening diseases. For many, the only hope for survival is a marrow transplant. The National Marrow Donor Program was designed to coordinate the national matching of allogeneic unrelated donors and recipients. Under the Public Health Service Act, the program is charged with establishing a national registry of voluntary bone marrow donors.

On April 23, 1998, the Subcommittee on Health and Environment held a joint hearing with the Senate Labor and Human Resources Committee Subcommittee on Public Health and Safety on "The Gift of Life: Increasing Bone Marrow Donation and Transplantation." As a result of information received at this hearing, the National Bone Marrow Registry Reauthorization Act of 1998 was enacted into law on July 16, 1998 (Public Law 105-196).

Women's Health Research and Prevention

On March 26, 1998, the Subcommittee on Health and Environment held an oversight hearing on New Developments in Medical Research: the National Institutes of Health and Patient Groups, which included a focus on diseases that disproportionately affect women. On July 20, 1998, the Subcommittee on Health and Environment held a hearing entitled The State of Cancer Research, which focused on many disorders facing women, including breast and cervical cancer.

As a result of these hearings, the Committee on Commerce moved to enact the Women's Health Research and Prevention Amendments of 1998 (Public Law 105-340) to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Health Professions Training Programs

The Committee on Commerce participated in the development and passage of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392), which reauthorizes and consolidates 44 different Federal health professions training programs authorized under Title VII and Title VIII of the Public Health Service Act. These 44 programs are consolidated into seven general and flexible categories of authorities which are designed to train health practitioners most inclined to enter practice in rural and other medically underserved areas. The seven general authorities provide support for: the training of under represented minority and disadvantaged health professions students; the training of primary care and dental providers; the establishment and operation of interdisciplinary, community-based training activities; health professions workforce information and analysis; public health workforce development; nursing education; and student financial assistance.

FOOD AND DRUG ADMINISTRATION'S APPROVAL PROCESS

The Committee on Commerce continued efforts begun in the 104th Congress to improve the Food and Drug Administration's (FDA's) review of applications for approval of new drugs, biologics, medical devices, and food additives. As part of its review, the Subcommittee on Health and Environment held two hearings: one on April 23, 1997, on Reauthorization of the Prescription Drug User Fee Act and FDA Reform, and one on April 30, 1997, on Medical Devices: Technological Innovation and Patient/Provider Perspectives.

These hearings laid the foundation for the eventual passage of the Food and Drug Administration Modernization Act of 1997 (Modernization Act) (Public Law 105-115). The Modernization Act addresses, among other things, the approval of prescription drugs, medical devices, and food additives.

FDA MANAGEMENT ISSUES AND REFORM INITIATIVES

In the 105th Congress, the Committee on Commerce closely monitored the operation and management of the Food and Drug Administration (FDA).

On January 3, 1997, January 31, 1997, and February 13, 1997, the Subcommittee on Oversight and Investigations sent letters to the FDA requesting documents related to the management of the Office of the Commissioner. These requests sought a list of all employees and the budget for the Office of Commissioner and any reorganizations and information on how the different Deputy Commissioner positions were created and line of succession. The FDA provided the documents in installments during February and March of 1997.

On March 13, 1997, as part of an examination of the management and performance of the FDA, the Subcommittee on Oversight and Investigations requested a computer printout listing of FDA positions and a complete set of FDA's official organizational charts.

On June 4, 1997, the Subcommittee on Oversight and Investigations sent letters to six FDA contractors requesting information and documents related to procurement actions and modifications with the FDA. The contractors provided the information and documents in June and July of 1997.

In addition, beginning April 30, 1997, the Subcommittee on Oversight and Investigations sent ten letters to FDA seeking information and documents about certain matters primarily related to the information management and procurement systems at the FDA's Center for Biologics Evaluation and Research (CBER) as well as the management of the FDA. The FDA provided the requested materials. The Committee staff reviewed the documents, conducted interviews, and produced a preliminary draft report of its findings.

On April 1, 1998, the Subcommittee on Oversight and Investigations held a hearing on management issues; procurement and inventory control procedures at the Food and Drug Administration, especially those at the FDA's Center for Biologics Evaluation and Research; and the pace and directions of corrective actions taken or to be taken. The hearing demonstrated that FDA had inadequate internal controls over FDA employee use of government

credit cards, inadequate internal controls over receiving equipment, inadequate internal controls over inventory, insufficient documentation of lost or stolen equipment, weak controls over disposal of equipment, and inaccurate procurement records. An FDA employee witness testified that some of the corrective actions undertaken by FDA would not have occurred without the Subcommittee's investigation.

As a result of the hearing, the Subcommittee on Oversight and Investigations requested the General Accounting Office to conduct a study related to FDA's accountability of property, plant, and equipment, and the Committee staff prepared a report on FDA management concerns, entitled *Without Reasonable Assurance: Financial and Property Management Concerns at the Food and Drug Administration* (Commerce Committee Print 105-W).

PRESCRIPTION DRUG USER FEE ACT

In preparation for action on the reauthorization of the Prescription Drug User Fee Act, the Subcommittee on Health and Environment held a hearing on April 23, 1997, on the Reauthorization of the Prescription Drug User Fee Act and FDA Reform. This hearing laid the foundation for the eventual passage of the Food and Drug Administration Modernization Act of 1997 (Modernization Act) (Public Law 105-115). The Modernization Act reauthorizes the Prescription Drug User Fee Act (PDUFA) for five years and amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to change several of the Food and Drug Administration's current policies and practices regarding product review and approval. The law also includes provisions to encourage pharmaceutical research and accelerate the availability of new products.

In addition to the passage of legislation to reauthorize PDUFA, the Committee closely monitored the FDA's handling of PDUFA funds. The Subcommittee on Oversight and Investigations sent a series of letters to the FDA requesting: (1) information and documents to obtain an accounting of FDA's use of PDUFA funds; (2) information on how much reviewer time was spent on each application in the review process in Fiscal Year 1996; (3) information and documents with respect to the putting aside of some PDUFA funds for "rainy day funds"; and (4) information and documents concerning FDA's implementation of PDUFA.

FDA REGULATION OF FOOD AND FOOD PRODUCTS

The Committee on Commerce continued efforts begun in the 104th Congress to improve the Food and Drug Administration's (FDA's) regulation of food and food products. In the 105th Congress, the Committee developed legislation which was enacted into law as the Food and Drug Administration Modernization Act of 1997 (Modernization Act) (Public Law 105-115). The Modernization Act streamlines regulatory requirements for the labeling of food products; reduces decision making times; establishes a notification process for the regulation of components of food packaging, known as food contact substances; enhances consumer knowledge of the health benefits of foods and food treatments; and improves the

processes by which information can be communicated to consumers that will enable them to adopt more healthful diets.

In addition to the passage of the Modernization Act, the Committee closely monitored the FDA's regulation of food imports. Throughout the 105th Congress, the Subcommittee on Oversight and Investigations sent a series of letters to the FDA requesting information about the adequacy of FDA's food import inspections and the number of import food entries.

CONSUMER ACCESS TO HOME TESTING SERVICES AND DEVICES

In the 105th Congress, the Committee continued the oversight and investigation of consumer access to home testing services and devices begun in the 104th Congress.

On January 24, 1997, the Subcommittee on Oversight and Investigations requested information and documents on the FDA's approval of the first over-the-counter drug testing system.

On February 6, 1997, the Subcommittee on Oversight and Investigations held a hearing on FDA's announced proposed policy on home collection testing systems for drugs of abuse. The Subcommittee received testimony from the FDA's Deputy Commissioner for Policy. Under the proposed new policy, the FDA would allow some urine-based home collection testing systems for drugs of abuse to be sold to parents without a doctor's prescription. This was a partial reversal of FDA's position at the Subcommittee's oversight hearing on September 26, 1996, where the agency maintained that the marketing to parents of urine cups and hair envelopes for drug testing purposes required a premarket application. At that time, the FDA insisted that such common items needed to be regulated as sternly as pacemakers or heart valves that are implanted in the human body. That position was based on FDA's concerns about such societal and ethical factors as "family discord" in assessing parents' ability to handle the results of a drug test.

As a follow-up to the hearing, on April 10, 1997, the Subcommittee on Oversight and Investigations sent a letter to the Secretary of the Department of Health and Human Services concerning the testimony of FDA's Deputy Commissioner/Senior Advisor.

In July 1998, the FDA issued a final rule on home testing services and devices based on the policy announced at the February 6, 1997, hearing.

ALLEGATIONS OF FDA ABUSES OF AUTHORITY

In the 104th Congress, the Committee began an investigation of allegations of Food and Drug Administration (FDA) abuses of authority, which focused, in general, on FDA operations and procedures, and, in particular, on allegations of abuses of power brought forward by witnesses on behalf of entities that are currently or possibly subject to FDA regulation.

The Committee continued to closely review FDA operations in the 105th Congress and to follow up on allegations made in the 104th Congress. In one instance, the Committee's review of allegations made by Myo-tronics, Inc., a dental device manufacturing company, led to a report by the Office of Inspector General (OIG) that certain FDA employees had acted improperly in the classifica-

tion of certain devices made by that company. In response to the OIG report, the FDA took disciplinary action against FDA employees, accepted the resignation or non-renewal of certain advisory panelists, undertook a formal review of its advisory panel meeting procedures, conducted an independent review of the Myo-tronics labeling claims, and reconvened the advisory panel to reexamine the issue of dental muscle monitor classification.

The Committee will continue to monitor allegations of abuses of FDA authority in the 106th Congress.

FOREIGN INSPECTIONS

On February 25, 1997, as part of an investigation of the Food and Drug Administration's (FDA's) foreign inspection program, the Subcommittee on Oversight and Investigations requested information concerning reports that a foreign drug manufacturer may have submitted fraudulent information to the FDA about bulk drug ingredients imported to the United States.

On May 22, 1997, the Subcommittee requested information from a cross-section of pharmaceutical companies about pharmaceutical bulk manufacturing plants in mainland China. The companies responded and provided the information.

On March 17, 1998, in response to a request from the Subcommittee on Oversight and Investigations to examine FDA's efforts to correct problems in the foreign drug inspection program identified in earlier FDA evaluations, the General Accounting Office (GAO) issued a report, entitled *Food and Drug Administration: Improvements Needed in the Foreign Drug Inspection Program.* The GAO reported that: (1) the FDA conducts few routine pharmaceutical inspections overseas; (2) inspectors frequently fail to file reports in a timely manner; (3) senior FDA officials frequently overturn recommended enforcement actions; and (4) enforceable actions imposed by the agency frequently lack follow-up to correct identified deficiencies.

The Committee will continue to review this issue in the 106th Congress.

REGULATION OF THE PRACTICE OF MEDICINE

In the 105th Congress, the Committee continued to examine whether the Food and Drug Administration (FDA) was taking regulatory actions which exceeded its charter to regulate drugs, biologics, and devices, and which intruded on the practice of medicine and the availability of medical information. For example, on November 12, 1996, the Subcommittee on Oversight and Investigations requested documents and information regarding FDA proposals to regulate software that helps physicians diagnose ailments, sometimes called "expert systems." The FDA provided the information and documents on January 9, 1997, and the Subcommittee is carefully reviewing these FDA proposals.

The Committee will continue to review this issue, and other instances, in the 106th Congress.

NATIONAL INSTITUTES OF HEALTH RESEARCH INTEGRITY

On September 30, 1997, the Subcommittee on Health and Environment held an oversight hearing to ensure the integrity of the research programs at the National Institutes of Health (NIH), the primary agency of the Federal government charged with the conduct and support of biomedical and behavioral research. On March 26, 1998, the Subcommittee on Health and Environment held an oversight hearing on New Developments in Medical Research: NIH and Patient Groups, which raised the question of proper priority-setting among various research opportunities at NIH. On July 20, 1998, the Subcommittee on Health and Environment held a hearing on The State of Cancer Research, which also served to monitor the integrity of the research programs at NIH through the testimony of prominent researchers from throughout the country.

CLEAN AIR ACT AMENDMENTS OF 1990

During the 105th Congress, the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a combined total of ten oversight hearings on the implementation and enforcement of the Clean Air Act and the 1990 Clean Air Act Amendments. These hearings followed a series of eleven oversight hearings conducted by the two Subcommittees regarding implementation of the Clean Air Act during the 104th Congress.

In 1997, six hearings were held jointly by the Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations on the promulgation and implementation of new National Ambient Air Quality Standards (NAAQS) for ozone and fine particulate matter (PM2.5). As part of this extensive review, the Subcommittees made various written inquiries and requests for records from the Environmental Protection Agency (EPA) and other Federal departments and instrumentalities. Due to the related nature of the subject matter, this series of hearings is described in a separate section below, entitled National Ambient Air Quality Standards.

In addition, the Subcommittee on Health and Environment held a hearing on May 6, 1998, to review an Advance Notice of Proposed Rulemaking (ANPR) published in the Federal Register by the Food and Drug Administration (FDA) to remove the essential use status of chlorofluorocarbon-based (CFC-based) metered-dose inhalers (MDIs). The ANPR was developed in response to Decisions agreed to the Parties to the Montreal Protocol, the international treaty which provides for the phaseout of ozone-depleting substances. Title VI of the Clean Air Act provides authority for the Environmental Protection Agency to implement the Montreal Protocol.

The Subcommittee on Health and Environment also held a hearing on July 30, 1997, concerning the implementation of Title VI of the 1990 Clean Air Act Amendments and Plans for the Ninth Meeting of the Parties to the Montreal Protocol. This hearing focused on a General Accounting Office (GAO) report requested by the Committee on Commerce to review the operation of the Multilateral Fund of the Montreal Protocol. Through 1997, the United States contributed a total of $290 million to the Fund. The GAO report determined that the United States could save between $2

million to $3 million per year by changing the form of its payments to the Fund. In addition, the hearing focused on the differential in phaseout schedules applicable to methyl bromide under the Montreal Protocol and the Clean Air Act, the FDA ANPR to eliminate essential use exemptions for CFC-based MDIs, the differential in commitments between Article 2 and Article 5 Parties to the Montreal Protocol, and the lack of compliance data necessary to determine whether Parties have met their commitment to phase out ozone depleting substances.

The Subcommittee on Health and Environment additionally held hearings on November 17, 1997, and April 22, 1998. The November 17, 1997, hearing was held in San Diego, California, to examine transborder air pollution between the United States and Mexico and the impact of commuter vehicles in border regions. The Subcommittee also conducted a site visit to the San Ysidro border crossing prior to the hearing. The April 22, 1998, hearing reviewed the implementation of the Federal reformulated gasoline program in California and the requirement that reformulated gasoline contain 2 percent oxygenate, by weight.

In addition to the hearings identified above, the Subcommittee on Oversight and Investigations continued its review of the implementation of the Clean Air Act Amendments of 1990 and the regulation of Hazardous Air Pollutants (HAPs) under Title III, Clean Air Act § 112(d). The Subcommittee focused on the Clean Air Act Maximum Achievable Control Technology (MACT) rulemaking for hazardous waste combustors (HWCs).

The Committee also began a review of EPA's Risk Management Program Rule. Among other things, that rule requires approximately 66,000 facilities nationwide to send EPA a "Risk Management Plan" (RMP) containing detailed identification of potential accidental chemical release points and an estimate of the damage and injuries that could result from an absolute worst-case scenario—otherwise known as offsite consequence analysis (OCA) data.

The Committee expressed concern that the information contained in each facility's RMP would make it easier to design a terrorist attack against that or a similar facility and to maximize the impact of such an attack. Members of the Committee on Commerce worked with Members of the House and Senate Appropriations Committees to insert language into the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276): (1) urging that EPA continue to work on this issue in close consultation with the Federal Bureau of Investigation (FBI); (2) requiring that the FBI submit to Congress no later than December 1, 1998, a written report containing the FBI's recommendations for appropriate methods of public dissemination; and (3) directing EPA to provide Congress with monthly updates of its progress in working with the FBI and other Federal agencies to develop appropriate RMP protocol guidelines.

ANY CREDIBLE EVIDENCE/COMPLIANCE ASSURANCE MONITORING

On February 24, 1997, the Environmental Protection Agency (EPA) published the final "Credible Evidence" rule, which became effective on April 25, 1997. The Credible Evidence rule concerns

EPA's use of certain non-Federal reference method data to demonstrate violations of the Clean Air Act. EPA developed the Credible Evidence rule based upon an interpretation of language contained in Section 113(a) of the Clean Air Act regarding the Administrator's enforcement authority. After the effective date of the Credible Evidence rule, EPA issued agency guidance regarding the use of such evidence in Clean Air Act enforcement proceedings. The Credible Evidence rule was challenged by various parties filing in the United States Court of Appeals for the District of Columbia Circuit. Commerce Committee staff reviewed and monitored developments in EPA's implementation of the new rule and the subsequent judicial challenge.

On October 22, 1997, EPA published the final "Compliance Assurance Monitoring" rule, which became effective on November 21, 1997. The Compliance Assurance Monitoring rule concerned certain air emission monitoring requirements established in Clean Air Act operating permits. On January 8, 1998, EPA issued agency guidance to EPA Regional Offices regarding the implementation of the Compliance Assurance Monitoring rule with existing Clean Air Act operating permit programs. Commerce Committee staff reviewed and monitored developments in EPA's implementation of the Compliance Assurance Monitoring rule.

VEHICLE INSPECTION AND MAINTENANCE ISSUES

Vehicle Inspection and Maintenance (I&M) programs are required for in-use vehicles in certain ozone nonattainment areas. In the 104th Congress, the Committee reviewed the effectiveness of such programs in two hearings held by the Subcommittee on Oversight and Investigations as well as through written correspondence and briefings. During the 105th Congress, the Committee continued its oversight of I&M programs, focusing specifically on the crediting of State I&M programs with respect to State Implementation Plans and the actual performance of various State I&M programs and technologies.

In addition, the Subcommittee on Health and Environment specifically examined the issue of I&M "avoidance" in Southern California during a field hearing held in San Diego on November 17, 1997. This hearing examined the problem of cross-border commuter vehicles which operated daily in Southern California, but which were registered in Mexico. Although State law required that such vehicles be subject to California State vehicle I&M, the Federal government lacked authority to intercept and deny entry to noncomplying vehicles entering the United States. The Committee took action to address this problem through approval of H.R. 8, a bill to deny entry to certain noncomplying foreign-registered vehicles, which passed the House, and was signed into law on October 27, 1998 (Public Law 105-286).

NATIONAL AMBIENT AIR QUALITY STANDARDS

On December 13, 1996, the Environmental Protection Agency (EPA) proposed revisions to the national ambient air quality standards (NAAQS) for ozone and particulate matter. The new EPA pro-

posed rules were the focus of significant Committee oversight activity during the 105th Congress.

The Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held five joint hearings on EPA's proposed revisions, and one joint hearing on the final revised NAAQS that EPA issued on July 18, 1997. These joint hearings explored uncertainties in the scientific bases for EPA's revisions and identified significant concerns that had been raised by the Department of Energy, Department of Commerce, and other Federal agencies. The Subcommittees also received testimony from State and local elected officials expressing concern regarding EPA's proposed implementation scheme for the revised standards.

The Subcommittees' first hearing on April 10, 1997, focused on the scientific bases for the proposed revisions. The Subcommittees received testimony from a scientific expert panel consisting of the current and four former chairmen of the Clean Air Scientific Advisory Committee established under the 1990 amendments to the Clean Air Act. These scientists testified that, in many cases, the scientific assumptions used by EPA were subject to uncertainty and that the new standards relied primarily on epidemiological associations from a limited number of studies using data that had not been released for review by other scientists. The Committee demanded that EPA release the data. As a result of the Committee's efforts, an independent scientific review panel is reviewing these key studies. The results of that reanalysis will be used in EPA's next scheduled 5-year review of the revised standards.

On April 17, 1997, the Subcommittees held a joint hearing on Development of the Regulatory Impact Analysis for EPA's Proposed Revisions. The Subcommittees received testimony from representatives of the Office of Management and Budget (OMB) and EPA. These officials testified regarding serious questions raised by OMB, the Departments of Energy and Commerce, and other Federal agencies during the internal regulatory review of EPA's proposed revisions.

On May 1, 1997, the Subcommittees held a joint hearing on Perspectives of State and Local Elected Officials. The Subcommittees received testimony from an expert panel of State and local elected officials on impacts associated with EPA's proposed standards and questions as to the legal authority for EPA's proposed implementation scheme. On May 8, 1997, the Subcommittees held a joint hearing and received testimony from an expert panel regarding the Health Effects of Ozone and Particulate Matter. On May 15, 1997, the Subcommittees held a joint hearing to receive testimony from EPA Administrator Carol M. Browner regarding the proposed revisions and certain adverse views expressed by other Federal agencies.

On July 18, 1997, EPA published the final revisions to the NAAQS for ozone and particulate matter. Accompanying those final rules was a July 16, 1997, Memorandum from the President to the Administrator of the EPA regarding Implementation of Revised Air Quality Standards for Ozone and Particulate Matter. Based largely on issues raised during the five joint Subcommittee hearings, the Memorandum outlined an alternative, less burdensome approach for implementation of the revised standards.

On October 1, 1997, the Subcommittees held a joint hearing on Implementation of the Clean Air Act NAAQS Revisions for Ozone and Particulate Matter. The Subcommittees received testimony from EPA Administrator Carol M. Browner on EPA's legal authority for the alternative implementation scheme. The Subcommittees also received testimony on implementation from an expert panel of State and local officials and representatives of small businesses subject to the revised standards. Because the legal authority for EPA's alternative implementation scheme remained uncertain, Members of the Committee on Commerce worked to resolve the ambiguity by incorporating certain elements of the alternative implementation scheme in the Transportation Equity Act for the 21st Century (Public Law 105-178).

PROJECT XL

"Project XL" refers to a broad set of actions by the Environmental Protection Agency (EPA) to give parties subject to regulation under the Clean Air Act and other environmental laws flexibility to develop alternative environmental strategies on the condition that such strategies produce greater environmental benefits.

The Subcommittee on Oversight and Investigations examined this program during a November 4, 1997, hearing concerning EPA's regulatory reinvention efforts. The hearing examined the number and status of individual proposals considered under Project XL, the approval and nonapproval of individual projects by EPA, the use of a "superior environmental test" in the approval process for Project XL proposals, and the constraints imposed on projects by existing statutes.

As of December 1998, EPA had received 66 proposals for Project XL projects, however, only 10 projects were being implemented. Since May 1995, 30 projects were withdrawn or rejected by EPA, while 10 projects remained in the process of developing a final project agreement (FPA). Five additional projects were accepted into the Project XL program, but used an alternative route to an FPA, and three projects were in other stages of Project XL proposal review.

The Committee will continue to review Project XL in the 106th Congress.

NEW SOURCE REVIEW

On July 24, 1998, the Environmental Protection Agency (EPA) published certain proposed alternatives for determining the applicability of the New Source Review (NSR) program to modifications of major sources under the Clean Air Act. EPA is in the process of reviewing comments on its 1998 NSR proposal as part of its ongoing consideration of its July 23, 1996, proposed revisions to the NSR program. Most notably, the 1998 proposal seeks to alter the existing NSR analysis for modifications of certain electric utility steam generating units. At present, EPA reviews modifications of electric utility steam generating units in a manner different than other major sources. EPA's 1998 proposal suggests a new, different NSR analysis that would apply to all major sources. Commerce Committee staff reviewed EPA's proposal in the 105th Congress

and will continue to monitor development of the final revised NSR rule, which EPA is expected to issue in 1999.

IMPLEMENTATION OF SAFE DRINKING WATER ACT AMENDMENTS OF 1996

On October 8, 1998, the Subcommittee on Health and Environment held a hearing concerning the implementation of the 1996 Safe Drinking Water Act Amendments (Public Law 104-182). This hearing reviewed the activities of the Environmental Protection Agency (EPA) over the past two years to meet the statutory deadlines established under the 1996 Amendments, as well as EPA's work with State and local governments in designing a number of new programs to address such matters as source water protection, operator certification, and capacity development. The hearing also focused on the status of the $8.6 billion State Revolving Fund, the amount and adequacy of funding devoted to safe drinking water programs, the amount and adequacy of funding devoted to research activities required by the 1996 Amendments, and challenges that may be presented in future implementation of the 1996 Amendments.

In addition, during the 105th Congress, the Committee sent letters to the EPA concerning State implementation of the State Revolving Fund and the scientific studies necessary for promulgation of the drinking water standard for arsenic.

The Committee will continue to monitor the implementation of the 1996 Safe Drinking Water Act Amendments in the 106th Congress.

ENVIRONMENTAL AUDITS

On March 17, 1998, the Subcommittee on Oversight and Investigations held a hearing on the Federal-State relationship. The hearing focused on the Environmental Protection Agency's (EPA's) response to State environmental audit programs and examined four primary issues: (1) whether environmental audits promote better environmental compliance; (2) the extent to which State and Federal audit programs encourage better audit practices; (3) the effect EPA practices have had on self audit programs and how States and the Federal government should work together to encourage self audits; and (4) whether State audit programs lack the minimum statutory and regulatory required criteria necessary for delegated authority of environmental programs.

Environmental audit reports are usually comprehensive self-evaluations containing not only underlying data, but indications of whether there has been an environmental violation. Audit reports can also contain confidential internal company discussions (*e.g.*, legal analysis, opinions, suggested corrective actions) pertaining to the findings of the audit and how best to address them. Because of the candid nature of the assessments contained in the audit reports, some have expressed the concern that audit reports could be used by EPA to bring civil actions for environmental violations, determine intent in criminal suits, or otherwise be used by outside groups. Companies who have completed or contemplated environmental audits have expressed the view that voluntary disclosure of

information should be afforded some level of legal protection. Witness testimony revealed instances when companies using State self-audit laws had received lengthy and burdensome requests for information from EPA, at least implying that EPA was considering taking subsequent legal action.

The Committee will continue to monitor the progress of State environmental audit programs and the actions of EPA with respect to the implementation of such programs.

STATE ENFORCEMENT PROGRAMS UNDER ENVIRONMENTAL STATUTES

The last twenty-five years have seen a revolution in terms of increased program delegation from the Environmental Protection Agency's (EPA's) regions to the States, consistent with the original intent of Congress. In many instances, States are the primary permitting and enforcement authorities and States have received EPA funding to carry out environmental programs. The Committee has reviewed, and continues to review, the implementation of the Federal-State environmental partnership with a focus on determining which efforts can minimize duplication and increase the effectiveness of environmental programs. Three hearings conducted by the Subcommittee on Oversight and Investigations on November 4, 1997, March 17, 1998, and June 23, 1998, examined various elements of the State-Federal environmental partnership. The Committee will continue to review the underlying State-Federal partnership as well as monitor EPA efforts to review States' performance under Federal environmental statutes.

As part of this review, the June 23, 1998, hearing focused on a General Accounting Office (GAO) report, released the day of the hearing, entitled *Environmental Protection: EPA's and States' Efforts to Focus State Enforcement Programs on Results* (RCED-98-113). The GAO report analyzed the success of efforts by States and the EPA to evaluate the effectiveness of State environmental enforcement programs based on outcome-oriented results (*e.g.*, actual environmental improvements) instead of the traditional measures of the number of enforcement actions taken and fines assessed.

In the report, GAO also highlighted two major areas of concern. First, EPA needs to deliver a more consistent message to the States regarding alternative compliance strategies. Second, the report cited the need for EPA to work with States to develop new alternative compliance program measures and to overcome some of the technical barriers associated with developing new methods for measuring the effectiveness of alternative compliance programs.

The Committee will continue to monitor this issue in the 106th Congress.

ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

ASSISTED SUICIDE: LEGAL, MEDICAL, ETHICAL AND SOCIAL ISSUES

On March 6, 1997, the Subcommittee on Health and Environment held an oversight hearing on Assisted Suicide: Legal, Medical, Ethical, and Social Issues. The hearing examined a wide range of arguments regarding assisted suicide. Testimony was received

from religious leaders, medical practitioners, medical ethicists, and representatives of the community of individuals with disabilities.

Testimony presented at this hearing assisted the Committee in the development of H.R. 1003, the Assisted Suicide Funding Restriction Act of 1997, which was reported by the Committee and enacted into law as Public Law 105-12.

CONTINUED MANAGEMENT CONCERNS AT THE NATIONAL INSTITUTES OF HEALTH

On June 19, 1997, the Subcommittee on Oversight and Investigations held a hearing on continuing management concerns at the National Institutes of Health (NIH). The hearing examined the adequacy of NIH management of its personnel and resources with respect to Congressional, Presidential, and NIH bans of funds for human embryo research.

The Committee will continue to examine the management and operation of the National Institutes of Health in the 106th Congress.

ADEQUACY OF ACCESS TO INVESTIGATIVE DRUGS FOR SERIOUSLY ILL PATIENTS

On September 23, 1997, the Subcommittee on Oversight and Investigations held a hearing on the adequacy of access to investigative drugs for seriously ill patients. The hearing examined the concerns of patients with cancer or other life-threatening diseases about their ability to obtain clearance from the Food and Drug Administration (FDA) for access to experimental treatments. The Subcommittee invited the FDA to testify at this hearing and obtained privacy waivers from the patient witnesses to enable FDA to respond fully. The Department of Health and Human Services commended the Subcommittee for seeking waivers from patients and sponsors, but decided not to permit the FDA to testify at this open hearing because of remaining confidentiality concerns. In October 1997, the FDA briefed the Subcommittee in closed session.

The Committee will continue to examine this issue in the 106th Congress.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' POLICY FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS

On July 23, 1998, the Subcommittee on Oversight and Investigations held a hearing on the Department of Health and Human Services' (HHS') Policy for Federal Workplace Drug-Testing Programs. The purpose of the hearing was to determine whether HHS has established the most effective drug-testing policy by relying exclusively on urine-testing technology, and if not, to examine what actions HHS can take to attain the most effective drug-testing policy.

Testimony presented at the hearing indicated that a complementary program of urinanalysis, hair testing, and perhaps blood testing, sweat testing, and saliva testing was the optimal approach for a drug-testing program.

The Committee will continue to monitoring the Substance Abuse and Mental Health Administration and the Food and Drug Admin-

istration as these agencies consider scientific issues concerning alternative testing technologies to urinalysis.

ENVIRONMENTAL JUSTICE

In February 1998, the Environmental Protection Agency (EPA) issued the *Interim Guidance for Investigating Title VI Administrative Complaints* (Interim Guidance) setting out how EPA will decide "environmental justice" claims filed against State environmental departments. These environmental justice claims allege that a specific State environmental permitting action discriminated against minority groups. Many State government organizations, such as the National Governors' Association, the U.S. Conference of Mayors, and the Environmental Council of the States, complained that EPA should have consulted with States, local governments, and other stakeholders on this important issue and that the Interim Guidance will hurt urban revitalization and the cleanup of contaminated "brownfields."

Commerce Committee staff met with EPA staff on three separate occasions to discuss EPA's environmental justice policy, and more specifically the development of the Interim Guidance.

On August 6, 1998, the Subcommittee on Oversight and Investigations held a hearing on EPA's Title VI Interim Guidance and Alternative State Approaches. The Subcommittee heard testimony confirming that State officials had no input into the development of EPA's Interim Guidance. Witnesses also expressed concern that implementation of the Interim Guidance would cause adverse environmental and economic effects. The first witness panel included the Executive Director of the Environmental Council of the States, the Director of the Environmental Justice Initiative of the Natural Resources Defense Council, and the President of the National Black Chamber of Commerce. The Subcommittee next heard testimony from the Texas Natural Resources Conservation Commission and the New Jersey Department of Environmental Protection regarding these States' innovative programs to enhance public participation in the environmental permitting process, as an alternative to EPA's approach. Finally, the Subcommittee received testimony from the Director of EPA's Office of Civil Rights. The Director testified that, were EPA to begin the Interim Guidance process again, EPA clearly would recognize the importance of stakeholder involvement earlier in the process. The Director outlined certain steps that EPA would take to correct the lack of State input.

Concerned that the interests of States and municipalities were not being adequately addressed on such an important policy matter, the Committee sent a follow-up letter to the EPA on October 26, 1998, suggesting the only method of policy development which would provide the level of participation and transparency necessary to address the valid concerns of States and stakeholders would be the use of the all inclusive, participatory measures afforded by notice and comment rulemaking under the Administrative Procedure Act.

The Committee will continue to examine this issue in the 106th Congress.

IMPORTED DRUGS: U.S.-EU MUTUAL RECOGNITION AGREEMENT ON DRUG INSPECTIONS

On October 2, 1998, the Subcommittee on Oversight and Investigations held a hearing on the U.S.-EU (European Union) mutual recognition agreement on drug inspections (MRA), referred to as the annex on pharmaceutical good manufacturing practices. The purpose of the hearing was to examine why pharmaceuticals were included in the umbrella agreement, what effect this MRA will have on protecting the health of the American consumer, and any additional unresolved issues.

The one panel of witnesses included lead negotiators from the Office of the U.S. Trade Representative, the Department of Commerce, and the Food and Drug Administration (FDA). These officials discussed: (1) the history of the umbrella trade agreement; (2) the current status of the pharmaceutical MRA; (3) the unresolved issues; and (4) what cost and drain on FDA resources will result from attempts to implement the pharmaceutical MRA. The witnesses defended the MRA as being in the best interest of the United States, arguing that the MRA could save FDA resources, enhance trade, and eliminate duplicative regulation.

However, the hearing also demonstrated that there were many unanswered concerns such as: the short-term increase of resources needed; the questionable long-term savings for FDA; whether FDA was pressured to lower drug safety and quality standards; that the agreement may be unworkable because of many unresolved questions; that the EU's technical trade barrier has not been eliminated; and the further loss of pharmaceutical manufacturing in the United States.

As a result of the hearing, the Committee, on October 9, 1998, requested that the General Accounting Office: (1) produce a projection of FDA costs incurred as a result of the MRA and identify all the assumptions (including direct benefits to FDA) required to make the cost projections; (2) identify other costs (*e.g.*, trade shifts) and benefits (*e.g.*, good will) that would not show up in FDA resource calculations; and (3) identify all the unresolved issues of the Pharmaceutical GMP sector at the time of its signing and determine the agreed plan of action of both the U.S. and the EU for resolving those issues over the three-year transition period.

Action on this issue is expected to continue in the 106th Congress.

ENERGY AND POWER ISSUES

ELECTRIC UTILITY RESTRUCTURING

During the 105th Congress, the Subcommittee on Energy and Power held eight oversight hearings and two days of legislative hearings on the issue of electric utility industry restructuring. The oversight hearings were held on April 14, April 18, May 2, May 9, June 19, July 9, September 5 and September 24, 1997. The legislative hearings were held on October 21 and October 22, 1997. The hearings focused on the opportunities and challenges that would arise from giving retail consumers the ability to choose their elec-

tricity suppliers. Topics covered at the hearings included the impact of retail competition on electricity prices, reliability, and innovation. Testimony and information gathered at these hearings provided a variety of positions on the necessity and scope of Federal action related to electric utility restructuring.

The oversight hearings examined the many challenges that face municipal generation facilities, investor-owned utilities, and rural electric cooperatives in the transition to retail competition. Comparisons were drawn between the successful implementation of competition in the wholesale bulk electricity markets and the effort to foster competition in retail markets. Testimony was received from power suppliers, Federal and State regulators, economists, labor unions, the environmental community, and consumers.

The Committee on Commerce plans to continue consideration of electric utility industry restructuring legislation in the 106th Congress.

FEDERAL ENERGY REGULATORY COMMISSION

On September 25, 1998, the Subcommittee on Energy and Power held an oversight hearing on the Federal hydroelectric relicensing process. The hearing reviewed the Federal Energy Regulatory Commission's (FERC's) hydroelectric relicensing process, assessed whether there is a need to make improvements to this process, and focused on whether there is a need for Federal legislation to improve the process. The Committee will continue to review FERC's regulation of hydropower facilities, as well as its regulation of electric utilities and natural gas and oil pipelines in the 106th Congress.

DEPARTMENT OF ENERGY'S BUDGET REQUEST

The Subcommittee on Energy and Power held oversight hearings on both the Department of Energy's (DOE's) budget request for Fiscal Year 1998 and the budget request for Fiscal Year 1999.

On February 11, 1997, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's budget request for Fiscal Year 1998. The purpose of the hearing was to examine the funding priorities within DOE as the Department's mission shifts from nuclear weapons production to environmental remediation of its contaminated weapons facilities. The hearing focused on DOE's Environmental Management privatization program; the nuclear waste program; energy security programs; the Bonneville Power Administration; the Strategic Petroleum Reserve; the national laboratories; and other DOE programs.

On February 5, 1998, the Subcommittee on Energy and Power held an oversight hearing on the Department of Energy's budget request for Fiscal Year 1999. The purpose of the hearing was to examine the agency's proposed $18.0 billion budget for Fiscal Year 1999, a proposed increase of $1.47 billion (8.9 percent) over Fiscal Year 1998. The hearing focused on a number of issues facing the Department, including: energy security and the status of the Strategic Petroleum Reserve; proposed funding increases for global climate change research and development; the operation of the Environmental Management program; and the progress of site charac-

terization activities at the proposed high-level radioactive waste repository at Yucca Mountain, Nevada.

DEPARTMENT OF ENERGY'S OFFICE OF ENVIRONMENTAL MANAGEMENT

In the 104th Congress, the Committee on Commerce began a review of the Department of Energy's (DOE's) Office of Environmental Management's (EM's) progress on cleaning up DOE's contaminated waste sites. The Committee wanted to ensure that DOE is cleaning up these sites in the most cost-effective and responsible manner.

During its hearings on DOE's proposed budgets for Fiscal Years 1998 and 1999, the Subcommittee on Energy and Power conducted extensive questioning of DOE plans for environmental management, ranging from accelerated cleanup under DOE's proposed closure accounts, to the efficiency of environmental cleanup privatization projects, to the adequacy of cleanup efforts at specific DOE sites.

On July 27, 1998, the Subcommittee on Energy and Power held an oversight hearing on the progress of the Uranium Mill Tailings Radiation Control Act (Public Law 95-604, as amended), which is nearing completion of the surface cleanup component at 22 uranium mill sites throughout the United States. As DOE begins to shift to the groundwater cleanup of these contaminated sites, the hearing provided an opportunity to assess progress at these sites and evaluate the need for additional statutory changes.

In addition, in the 105th Congress, the Subcommittee on Oversight and Investigations continued its review of the Office of EM's management of the Office of Science and Technology (OST). OST was created by DOE in response to a Congressional directive in 1989 to begin a program to fund the development of innovative environmental technologies that will improve DOE's massive environmental restoration and management efforts—by making them cheaper, faster, and safer.

On May 7, 1997, the Subcommittee on Oversight and Investigations held a hearing to review the management of the OST. The hearing revealed that after seven years and nearly $3 billion spent by OST, few technologies created by OST had actually been used by the Department. As a result, the benefits of these new technologies have been very limited. In fact, DOE was only able to identify less than $500 million in cost savings from actual or planned use of OST-funded technologies.

After the hearing, DOE initiated changes in OST management and funding processes including a greater emphasis on technology deployments and the application of peer review when making funding decisions on new technologies. However, a September 1998 report issued by the General Accounting Office, entitled *Further Actions Needed to Increase the Use of Innovative Cleanup Technologies* (GAO/RCED-98-249), which was prepared at the request of the Committee, identified ongoing problems with the OST program including: (1) inaccurate deployment data; (2) completed technologies which are not useful at DOE sites; (3) a lack of user involvement during the development process: and (4) infrequent and ineffective technical assistance by OST to DOE sites during tech-

nology selection and implementation decisions. The Subcommittee will continue to review the OST program in the 106th Congress.

The Subcommittee on Oversight and Investigations, in the 105th Congress, also reviewed severe cost and schedule overruns with DOE's Spent Nuclear Fuel project (SNF project) at the Hanford site in Richland, Washington. The SNF project, an effort to remove 210,000 spent nuclear fuel rods from leaking wet storage basins located 400 yards from the Columbia River, represents one of the largest health and safety risks within the nuclear waste complex.

At a May 12, 1998, hearing, testimony presented to the Subcommittee on Oversight and Investigations revealed that the SNF project had encountered more than $600 million in cost overruns and scheduling problems which delayed the removal of the deteriorated fuel elements by more than four years, primarily because of weak project management and poor technical performance by DOE and its contractors on this project.

Since the hearing, DOE and the current contractors on the project have restructured the SNF project management systems and have taken steps to establish a credible technical, cost, and schedule baseline for the project. Although progress is being made, this multi-year project is still in the early construction phase. The Committee will continue to monitor and evaluate progress on the SNF project in the 106th Congress.

PLUTONIUM DISPOSITION AND STOCKPILE MANAGEMENT

In response to concerns about the questionable state of plutonium stockpile management throughout the Department of Energy (DOE) complex, the Committee on Commerce requested the General Accounting Office (GAO) to examine issues surrounding stockpile management. In April 1997, GAO issued its first report, *Plutonium Needs, Costs, and Management Options* (GAO/RCED-97-98), which provided an overall assessment of current DOE plutonium stockpiles and the different options employed for the storage and handling of plutonium. A second GAO report, *Problems and Progress in Managing Plutonium* (GAO/RCED-98-68), issued in April 1998 provided a more detailed analysis of DOE's handling of its plutonium stockpiles. This report found that DOE was unlikely to meet its commitment date for stabilizing, packaging, and storing plutonium waste streams, and that some DOE workers risked exposure to excessive radioactivity due to the Department's current storage procedures.

With respect to surplus plutonium, DOE has been following a dual-track approach to disposition. One approach would vitrify plutonium into a glass matrix for disposal as a waste, the other would process plutonium for use as mixed-oxide fuel (MOX) in commercial nuclear reactors. Concerned about the progress of this program, the Committee on Commerce sent letters to Secretary of Energy Federico Peña on two occasions to prod the department to action. On June 25, 1997, the Committee contacted Secretary Peña to request action on the much-delayed issuance of the implementation plan for the acquisition of MOX fuel fabrication and reactor irradiation services. On May 8, 1998, the Committee contacted Secretary Peña to question delays in issuing the Request for Proposals to acquire MOX fuel fabrication and reactor irradiation services. As a

result of these efforts, the final Request for Proposals was issued by DOE on May 19, 1998. These administrative steps were crucial in allowing the overall plutonium disposition strategy to move forward at a responsible pace.

WASTE ISOLATION PILOT PLANT

The Committee was instrumental in the passage of legislation in 1996 (Public Law 104-201) to expedite the opening of the Waste Isolation Pilot Plant (WIPP), which will dispose of transuranic waste generated as a result of U.S. atomic defense activities. At the beginning of the 105th Congress, WIPP was awaiting final operating permits before commencing disposal operations for defense-related transuranic waste. At the Subcommittee on Energy and Power hearings on the Department of Energy's (DOE's) proposed budgets for Fiscal Years 1998 and 1999 budgets, Members engaged in extensive questioning on the progress of the WIPP certification process. On April 16, 1997, the Committee sent a letter to Secretary of Energy Federico Peña and Environmental Protection Agency (EPA) Administrator Carol M. Browner expressing concerns about the timing of Federal certification activities which could impede the facility's time line for operation. This action helped break a bureaucratic logjam, culminating in the May 13, 1998, EPA certification that WIPP would comply with environmental requirements. Operations are expected to commence upon issuance of a final permit by the State of New Mexico, sometime in 1999.

TRITIUM PRODUCTION

In the 105th Congress, the Committee on Commerce continued to follow developments in the effort to secure a new tritium production source for defense nuclear activities. The Department of Energy (DOE) is following a dual-track approach to tritium production, evaluating the potential use of either nuclear reactors or a dedicated accelerator for this purpose. In September 1997, the Nuclear Regulatory Commission (NRC) issued a license amendment to the Tennessee Valley Authority (TVA) authorizing the use of tritium-producing test assemblies at TVA's Watts Bar reactor.

The issue of tritium production was explored at the Subcommittee on Energy and Power's hearings on DOE's proposed budget requests for Fiscal Years 1998 and 1999. During those hearings, representatives of DOE were questioned extensively about DOE's plans to maintain the Fast Flux Test Facility (FFTF) in standby mode for potential use as a tritium production source when the facility does not meet DOE qualifications as a production source under the dual-track strategy.

The Committee will continue to monitor this issue in the 106th Congress.

REGULATION OF DOE NUCLEAR FACILITIES

The Subcommittee on Energy and Power held an oversight hearing on May 20, 1998, to examine the issue of external regulation of the Department of Energy's (DOE's) nuclear facilities. Currently, the Department self-regulates its responsibilities for worker protection and public health and safety at its nuclear sites. DOE has ad-

vocated the implementation of external regulation, utilizing the Nuclear Regulatory Commission (NRC) as its regulatory body; however, the DOE aborted an aggressive transition to external regulation in favor of a multi-year pilot program to examine the effect of NRC regulation in a more controlled setting. The hearing focused on the early results of DOE's pilot program, the potential cost savings and standardized regulatory benefits of external regulation, the possible negative effects of the increased regulatory burden on the NRC, and the proposal's implications for national security and the decommissioning of DOE facilities.

NUCLEAR REGULATORY COMMISSION

On March 25, 1998, the Subcommittee on Energy and Power held a legislative hearing on the reauthorization of the Nuclear Regulatory Commission (NRC). The purpose of the hearing was to evaluate the NRC's Fiscal Year 1999 budget request, to examine the Commission's use of annual charges and user fees to pay for its operations, and to assess the NRC's progress in transitioning to a performance-based regulatory system.

Testimony received at the hearing assisted in the Committee in its consideration of H.R. 3532, the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1999, which was reported to the House on August 6, 1998.

The Committee also continued to evaluate the feasibility of the NRC to act as an external regulator at Department of Energy (DOE) nuclear facilities. On May 20, 1998, the Subcommittee on Energy and Power held an oversight hearing on the issue of external regulation, examining the potential benefits and drawbacks of NRC regulation at DOE sites.

The Committee on Commerce also conducted oversight of the NRC's regulation of commercial nuclear power plants by initiating two investigations into shutdowns of commercial reactors. One investigation focused on the shutdown of the three nuclear reactors operated by Northeast Utilities at the Millstone Power station in Connecticut, and the other focused on the shutdown of the two reactors operated by Commonwealth Edison at the Zion power station in Illinois. In light of the NRC's January 1997 decision to add 11 plants to its Watch List of problem commercial nuclear plants requiring increased regulatory attention, the Committee's oversight efforts primarily focused on the NRC's ability to ensure adequate protection of the public health and safety through its regulation of commercial nuclear power plants.

On February 26 and 27, 1997, Committee staff conducted a site visit to NRC Region I which included Northeast Utilities' Corporate Headquarters and the Millstone Power station in Connecticut. On October 28 and 29, 1997, staff conducted a site visit to NRC Region III which included the NRC's Region III headquarters, Commonwealth Edison's Nuclear Operations Division, and Zion Nuclear Energy Station. In the course of both site visits, the Committee conducted interviews with representatives from the NRC, State government, the utilities, and interested public parties. In addition, in both investigations, the Committee also requested the Institute of Nuclear Power Operations (INPO) to provide copies of their confidential evaluation reports on the performance of these utilities, in

order to assess the adequacy of INPO's evaluation and self-regulatory process.

On January 15, 1998, Commonwealth Edison announced the permanent shutdown of Zion. On June 29, 1998, the NRC authorized Northeast Utilities to restart Millstone Unit 3. Millstone Unit 1 and 2 remain on the NRC Watch List, as do several Commonwealth Edison reactors. The Committee continues to monitor the NRC's efforts to improve safety compliance at the reactors operated by these companies.

ENERGY EFFICIENCY STANDARDS

The Subcommittee on Energy and Power reviewed the Department of Energy's (DOE's) energy efficiency standards program during consideration of legislation to reauthorize the Energy Policy and Conservation Act (EPCA). The Subcommittee held a hearing on energy conservation programs authorized by EPCA on September 16, 1997. In addition, questions were raised regarding the DOE energy efficiency standards program at the Subcommittee on Energy and Power's oversight hearing on February 11, 1997, on DOE's budget request for Fiscal Year 1998.

ALTERNATIVE FUELS

On July 21, 1998, the Subcommittee on Energy and Power held a legislative hearing on H.R. 2568, the Energy Policy Act Amendments of 1997. This bill amends the Energy Policy Act of 1992 (EPAct) to designate a biodiesel blend as an "alternative fuel" and makes other changes to EPAct and the Energy Policy and Conservation Act (EPCA) to promote the use of biodiesel fuel. The hearing examined the effectiveness of the Department of Energy (DOE) alternative fuels program authorized by EPAct, in the course of reviewing the merits of H.R. 2568.

As a result of the information obtained from the hearing, legislative language was developed and eventually enacted into law as part of Public Law 105-388, the Energy Conservation Reauthorization Act of 1998, which: (1) promotes the use of biodiesel fuel by providing credits for use of biodiesel fuel by fleets and covered persons to offset their obligation to purchase alternative fueled vehicles established by EPAct; and (2) amends EPAct to require Federal agencies to report on their compliance with the alternative fueled vehicle purchase requirements in the Act and in Executive Order 13031.

GLOBAL CLIMATE CHANGE

The Subcommittee on Energy and Power held four hearings in the 105th Congress on the international global climate change negotiations and their impact on the environment and the U.S. economy. The hearings were held on July 15, 1997; November 5, 1997; March 4, 1998; and October 6, 1998. The hearings focused on the negotiations leading up to and beyond the international agreement reached in Kyoto, Japan, in December 1997. This agreement requires developed countries to take binding commitments to reduce their greenhouse gas emissions within a specified time frame. At the hearings, and in follow-up correspondence, many Members ex-

pressed concern about the fact that the agreement did not also include meaningful commitments by key developing countries to limit their emissions. Also of particular concern to the Committee was the lack of credible information regarding the cost of this international agreement and its impact on U.S. global trade competitiveness and jobs. The Committee will continue to monitor this issue in the 106th Congress.

STRATEGIC PETROLEUM RESERVE/U.S. ENERGY SECURITY

On September 16, 1997, the Subcommittee on Energy and Power held a legislative hearing on H.R. 2472, a bill to extend certain programs under the Energy Policy and Conservation Act. That hearing focused on reauthorization of the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement. Testimony received at the hearing assisted in the Committee in its consideration of H.R. 2472 which was enacted into law as Public Law 105-177. Public Law 105-177 extends, through Fiscal Year 1999, the authorization of appropriations for the Strategic Petroleum Reserve, and preserves and expands the ability of U.S. oil companies to participate in the International Energy Agreement without violating antitrust laws.

On October 2, 1998, the Subcommittee on Energy and Power held an oversight hearing focusing on energy security issues, entitled "Energy Security: What Will The New Millennium Bring?". The future role of fossil fuels, the impacts of energy conservation and energy efficiency efforts, and the roles of renewable energy and other cutting edge energy technologies were examined at the hearing. Also discussed were the important policy elements which would insulate the United States in a future energy crisis, and the importance of additional steps to provide for the nation's future energy security.

CONTRACT REFORM

In October 1994, the Department of Energy (DOE) developed a contract reform plan to improve its management of DOE contractors, particularly management and operating contractors. Contract reform is essential to improving DOE performance, since 90 percent of DOE's budget is allocated to its contractors.

In the 105th Congress, the Subcommittee on Oversight and Investigations held several hearings on DOE's contract reform efforts. The Subcommittee conducted a programmatic review of department-wide contract reform efforts and also reviewed specific privatization contracts.

On July 28 and 29, 1997, the Subcommittee on Oversight and Investigations held two hearings on DOE's contract reform effort to privatize the cleanup of buried radioactive wastes at the Pit 9 site at DOE's Idaho National Environmental and Engineering Laboratory (INEEL) located in Idaho Falls, Idaho. In October of 1994, a subsidiary of Lockheed Martin was awarded a $179 million privatization contract—a first of its kind—a firm, fixed-price contract to retrieve and treat the Pit 9 wastes. This new contracting method was intended to speed cleanup and demonstrate technologies that could be used elsewhere at the INEEL site and across the DOE

complex. Three years into the contract, Lockheed Martin had incurred $300 million in total costs (exceeding the contract's entire value) without completing the design and construction of the retrieval and treatment facilities. Additionally, at least two years of schedule delays had been incurred. In December 1996, Lockheed submitted a request to the Department seeking $158 million in additional compensation and a conversion of the contract to a cost-reimbursable arrangement for any future work. Subsequent to the hearing this offer was rejected by the Department, and Lockheed received a cure notice. All cleanup work stopped at Pit 9 and Lockheed filed a lawsuit challenging the cure notice and seeking cost recovery.

The Subcommittee hearing focused on the circumstances which led to the failure of this contract reform effort. As a result of the hearing, DOE committed to several improvements to its privatization contracts including: (1) addressing Federal staffing needs to provide the skills necessary to administer privatization contracts; (2) negotiating a clear definition of safety and health regulatory requirements into privatization contracts; and (3) emphasizing the past performance and experience of the contractor teams it procures for privatization efforts.

On October 23, 1997, the Subcommittee on Oversight and Investigations held a hearing to review the Department's implementation of contract reform focusing on performance-based incentive (PBI) contracting. Under this approach, DOE and its site contractors negotiate annually various tasks for which the contractors will be awarded an incentive fee for completion ahead of schedule. Under many PBI contracts, the contractors receive little, if any, automatic base fees or "subjective" award fees, which were DOE's traditional contracting methods.

Testimony presented at the hearing indicated a number of problems associated with DOE's PBI contracts including a failure to provide adequate guidance to site operations offices and adequate controls on the establishment of reasonable incentive fees. Consequently, PBI contracts generally lacked a critical focus and the fees associated with them often seemed arbitrary or simply failed to incentivize the contractors to perform superior work. Since the Committee began its review of the PBI program, DOE has taken steps to improve its implementation of PBI contracts by: (1) providing guidance and training to site operation offices; (2) initiating an annual review of all PBI contracts at DOE headquarters; and (3) ensuring that PBI contracts are negotiated and implemented at the beginning of each fiscal year.

On October 8, 1998, the Subcommittee on Oversight and Investigations held a hearing to review the Department's $6.9 billion privatization contract with British Nuclear Fuels Limited (BNFL) to clean up approximately 10 percent of the 54 million gallons of radioactive wastes stored in 177 underground tanks at the Department's Hanford site in Richland, Washington. The contract was signed in August 1998; however, DOE and BNFL will continue to refine the technical and financial structure of the contract over a 22-month period, at which point a final fixed price will be proposed in August 2000. The current target price of $6.9 billion includes $3.2 billion in profit and financing costs.

Testimony presented at the hearing indicated that DOE has incorporated several of the lessons learned from Pit 9 privatization mistakes into this privatization contract. However, an extensive review by the Subcommittee and an audit presented at the hearing by the General Accounting Office identified some serious and unresolved questions about the BNFL contract. Principal among the concerns are the enormous financing and profit costs of this approach; the financial risks to DOE and the taxpayer if this approach fails; and the Department's ability to oversee this effort.

Oversight of contract reform will be a priority for the Committee in the 106th Congress, and the Committee will continue to monitor contracts as information becomes available and critical decisions are made over the next two years.

SALE OR LEASE OF THE NAVAL PETROLEUM RESERVES

The Naval Petroleum and Oil Shale Reserves are commercial oil and gas fields operated by the Federal government that no longer have any strategic or national security value. During the 105th Congress, Members of the Committee on Commerce were appointed as conferees on two separate bills which disposed of portions of the Naval Petroleum and Oil Shale Reserves. With the enactment of H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) and H.R. 3616, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), portions of the Naval Petroleum Reserve were disposed of and "administrative jurisdiction" over the remaining portions of the Naval Petroleum and Oil Shale Reserves was transferred to the Secretary of the Interior.

SALE OF THE UNITED STATES ENRICHMENT CORPORATION

The privatization of the United States Enrichment Corporation (USEC), which had been authorized in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), was finalized on July 28, 1998. USEC is responsible for the enrichment of uranium for use in commercial nuclear reactors. The Committee on Commerce closely followed the progress of the privatization to ensure that statutory guidelines and restrictions were adhered to during the process. A number of post-privatization matters required subsequent Congressional action, including the passage of legislation to ensure that stores of depleted uranium hexafluoride (DUF6) wastes transferred to the Department of Energy during the privatization had a plan for proper environmental remediation. Members of the Committee on Commerce were involved in the negotiations that led to the passage of Public Law 105-204, which requires the submission of a remediation plan and ensures the availability of funds to decontaminate and decommission DUF6 stockpiles and facilities.

DOE ASSETS SALES

On June 11, 1997, the Full Committee considered and approved for transmittal to the Committee on the Budget for inclusion in the Balanced Budget Act of 1997 a Committee Print entitled "Title III, Subtitle C—Sale of DOE Assets." This Committee Print requires

the Department of Energy (DOE) to sell 3.2 million pounds of surplus natural and low-enriched uranium per year between Fiscal Years 1999-2002 at not less than fair market value, subject to a determination such sale or sales would not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry. The provisions of this Committee Print were transmitted to the Committee on the Budget and included in the text of Title III of H.R. 2015 as reported to the House, and as passed by the House. However, during the House-Senate conference, the provisions relating to the sale of DOE assets were deleted from H.R. 2015. The Committee on Commerce will continue to monitor the sale of DOE assets to ensure that DOE receives market value for these assets.

ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

THE DEPARTMENT OF ENERGY'S FUNDING OF MOLTEN METAL TECHNOLOGY

On November 5, 1997, the Subcommittee on Oversight and Investigations began a series of hearings on the Department of Energy's funding of a technology development grant awarded to Molten Metal Technology (Molten Metal), a company that in 3 years received a 33-fold contract expansion on a non-competitive basis for the development of an experimental disposal process for radioactive wastes. The Committee's investigation of Molten Metal was an outgrowth of the Subcommittee's May 7, 1997, hearing that reviewed the Department's management of the Office of Science and Technology (OST).

On November 5, 1997, the Subcommittee received testimony from Mr. Thomas Grumbly, former DOE Assistant Secretary for Environmental Management, and Mr. Peter Knight, Molten Metal's representative who also was a senior official in both the 1992 and 1996 Clinton/Gore campaigns. The Subcommittee examined the public support by Mr. Grumbly and Vice President Gore on Molten Metal's behalf, the relationship and communications between Mr. Knight, Mr. Grumbly, and Molten Metal, and Mr. Grumbly's efforts within the Department on Molten Metal's behalf.

On November 7 and 21, 1997, the Subcommittee received testimony from career DOE employees responsible for the Department's funding and contract administration decisions, including Mr. Gerald Boyd, Deputy Assistant Secretary (DAS) for OST, Dr. Clyde Frank, former DAS for OST, and Mr. William Huber, the DOE technical representative on the Molten Metal contract. At this hearing, questions were raised about how OST made its decisions to fund Molten Metal, the influences of Mr. Grumbly, Mr. Knight, and Molten Metal executives on these decisions, and the rigor with which OST reviewed the technical and commercial feasibility of Molten Metal's technology.

On February 12, 1998, the Subcommittee received testimony from Molten Metal executives, including Mr. William M. Haney, III, former Chairman and CEO, and Mr. Victor Gatto, Vice President of Government and Nuclear Sector. The Subcommittee questioned Molten Metal's relationship with and use of Peter Knight, and the timing of Molten Metal's campaign contributions to the

Clinton/Gore campaign, the Democratic National Committee, and to causes affiliated with Vice President Gore, which coincided with several DOE expansions of Molten Metal's grants.

This series of hearings, in conjunction with the Subcommittee's May 7, 1997, hearing on the management of OST, led to internal reforms in the way the Department grants and reviews contracts within the Office of Science and Technology at DOE.

FINANCE AND HAZARDOUS MATERIALS ISSUES

PRIVATE SECURITIES LITIGATION REFORM ACT: STATE LEGISLATIVE EFFORTS SUCH AS PROPOSITION 211 IN CALIFORNIA

The Subcommittee on Finance and Hazardous Materials held an oversight hearing on October 21, 1997, on the implementation of the Private Securities Litigation Reform Act of 1995 (Public Law 104-67). The Subcommittee was interested in determining whether or not the law was working as intended by the Congress, and what effect State legislative initiatives, if passed, would have on the law. Specifically, the hearing focused on the effect the law was having on the number of class action "strike" suits being filed, and whether the protections provided by the law were being used. Testimony received by the Subcommittee was universal regarding the lack of use of the safe harbor provided by the Reform Act. Testimony varied on the effectiveness of the law, with regards to curbing strike suits, from arguments that not enough time had passed to determine the effects of the law to arguments that State courts were being used to circumvent the Federal law.

As a result of information obtained at this hearing, on May 19, 1998, the Subcommittee on Finance and Hazardous Materials held a legislative hearing on H.R. 1689, the Securities Litigation Uniform Standards Act of 1997. This bill was marked up by the Committee and passed by the House; and, after negotiations with the Senate, a Senate companion bill, S. 1260, was enacted into law as Public Law 105-353.

THE SMALL ORDER EXECUTION SYSTEM

The Small Order Execution System (SOES) is the system established in 1984 by the National Association of Security Dealers Automated Quotations (NASDAQ) to ensure that small customers' orders would get filled. SOES provides for automatic execution of small orders by retail customers.

On August 3, 1998, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on the Small Order Execution System. The hearing focused on how the system impacts market liquidity and addressed the need for any changes to the system. Specifically, testimony addressed whether the ability of investors to get automatic execution of their stock orders, as originally intended, is being fulfilled, or if the current use of the system is an abuse that negatively affects liquidity. The system is currently utilized primarily by individuals that use their own capital in an attempt to profit from quick trades. Arguments were made, both pro and con, over the impact on liquidity of these trades.

Recent rule changes, such as the reduction in the quote size of a stock from 1000 shares to 100 shares and the order handling rules, implemented by the Securities and Exchange Commission have been designed to address many of these concerns while ensuring the best execution for individual investor stock purchase and sale orders.

The Committee will monitor the impact of the rule changes to determine if further action is required in the 106th Congress.

PRESERVING DERIVATIVES' STATUS AS PRIVATE CONTRACTS

On May 7, 1998, the Commodity Futures Trading Commission (CFTC) released a concept paper seeking public comment on the over-the-counter (OTC) derivatives market. On June 16, 1998, the Committee sent letters to the Chairman of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairwoman of the CFTC seeking information on the effects of any new regulatory changes to the OTC derivatives market. Some Committee Members are concerned that the derivatives market, which can provide valuable risk management, would be compromised by any legal uncertainty arising from new regulatory treatment. The Committee will continue to work in the 106th Congress to ensure that the private contracts retain their legal certainty and are not forced outside the United States.

SOCIAL SECURITY MODERNIZATION AND ITS EFFECTS ON THE MARKETS

The Subcommittee on Finance and Hazardous Materials held an oversight hearing on enhancing retirement income through individual investment choices on June 24, 1998. Specifically, the hearing focused on both increasing the rate of return of Social Security taxes through private investment vehicles, such as mutual funds, and the effects of new capital inflows on the markets. The funding problems the current Social Security structure will face in the near future has generated great interest in making changes to the system. Many of the proposals have included various degrees of privatization similar to the models that have been implemented in other countries during the past decade. Countries that have allowed or required private investment options in place of social security taxes have directed the funds into their capital markets.

The Subcommittee received testimony on the ability of individual investors to make personal investment choices and the experience under other country's models. Arguments were made that the increasing proportion of American workers that invest through IRAs and employee sponsored retirement plans, such as 401(k) plans, is an indication that Americans are able and willing to acquire the knowledge necessary to invest in our capital markets. Testimony was also presented that demonstrated the greater historical rate of return of the stock market compared to the lower, and in some cases negative, rate of return for Social Security. The testimony also touched on consumer protection issues, including investor education and the challenges to investor protection.

Because of the Committee's jurisdiction over Federal securities regulation, the Committee on Commerce will play a major role in

the development of any future Social Security privatization legislation.

FEDERAL BARRIERS TO COMMON SENSE CLEANUPS

The Subcommittee on Finance and Hazardous Materials held two field hearings on Federal Barriers to Common Sense Cleanups. The first Subcommittee field hearing was held on February 14, 1997, in Columbus, Ohio. The second Subcommittee field hearing was held on March 7, 1997, in New York City, New York. These hearings provided Members of the Subcommittee information regarding the under-used industrial and commercial facilities (brownfields) where expansion or redevelopment is complicated by real or perceived environmental contamination.

Based on these field hearings and other hearings held in the 104th Congress, legislative proposals were developed to reform the Comprehensive Environmental Response, Compensation, and Liability Act and make targeted reforms to the Resource Conservation and Recovery Act. These proposals were included in H.R. 3000, the Superfund Reform Act of 1997, which was the subject of two legislative Subcommittee hearings on March 5, and March 26, 1998.

RISK ASSESSMENT AND CHARACTERIZATION PRACTICES

In the 104th Congress, the Committee on Commerce played a major role in the promotion of risk assessment and characterization practices, particularly with respect to the development of environmental policies. The Safe Drinking Water Act Amendments of 1996 (Public Law 104-182) required the Environmental Protection Agency (EPA) to follow risk assessments based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices. These same principles were included in the final report of the Risk Assessment and Management Commission established under the Clean Air Act. That report provided that a good risk management decision "is based on a careful analysis of the weight of scientific evidence that supports conclusions about a problem's potential risks to human health and the environment."

In the 105th Congress, the Committee on Commerce continued to monitor and assess current agency risk assessment and characterization practices to identify problems and plans for change. The Subcommittee on Finance and Hazardous Materials held several hearings on the operation and implementation of the Superfund program which addressed, among other things, problems with its risk assessment and characterization practices. The Subcommittee on Health and Environment held an oversight hearing on the implementation of the Safe Drinking Water Act Amendments of 1996, which addressed, in part, risk assessment practices under the new provisions of that Act.

In addition, the Committee reviewed proposed guidelines from the Environmental Protection Agency to assess carcinogenic risks and provided comments on this proposed guidance to promote sound and objective scientific practices as the basis for risk assessments.

RESOURCE CONSERVATION AND RECOVERY ACT

Committee staff met a dozen times with representatives of the Environmental Protection Agency, State agencies, the environmental community, and the regulated community to review proposals to make the remediation waste program under the Resource Conservation and Recovery Act (RCRA) more effective. A number of draft legislative proposals were reviewed. The Committee worked with the General Accounting Office to provide reports on the RCRA remediation program.

TOXIC RELEASE INVENTORY

The Toxic Release Inventory (TRI) is the public database in which information is collected under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). Prior to the start of the 105th Congress, the Environmental Protection Agency (EPA) noticed its intention to expand the TRI to include information on chemical use, or materials accounting. Chemical use refers to information about the amounts of chemicals coming into a facility, amounts transformed into products and wastes, and the resulting amounts leaving the facility site.

Commerce Committee staff met with representatives of EPA to review the chemical emissions numbers released by EPA for 1995 and 1996, and the final EPA regulation expanding the industries TRI covers.

Commerce Committee staff also met with representatives of EPA's Office of Ground Water and the Office of Congressional and Legislative Affairs, and various stakeholders to discuss injections into Class I underground injection wells as reported through the Toxic Release Inventory (TRI). Stakeholders represented included the environmental community, State agencies responsible for protecting groundwater and enforcing underground injection control requirements, and industry. The meeting was convened in order to minimize the potential for public misunderstanding of Class I injections as reported under TRI.

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

On June 24, 1997, the Subcommittee on Finance and Hazardous Materials held a hearing on financial services reform. The hearing focused on the impact of bank insurance sales regulation on consumer protections and the implications of bank insurance sales powers on competition in the insurance industry. Testimony from the National Association of Insurance Commissioners' (NAIC's) Vice President addressed issues of uniform State licensing for insurance brokers, State demutualization laws, and State redomestication laws.

On July 17, 1997, the Subcommittee on Finance and Hazardous Materials held a hearing on H.R. 10, the Financial Services Competitiveness Act of 1997. Testimony was received from the Chairman of the National Association of Insurance Commissioners' Special Committee on Banks and Insurance. Specifically, the testimony addressed functional regulation as it relates to State authority, consumer protection in the context of the Office of the Comptroller

of the Currency actions and Federal Court decisions, and insurance regulations as they relate to H.R. 10.

These hearings assisted the Committee in drafting legislative language that was included in H.R. 10, the Financial Services Act of 1998, which passed the House in the 105th Congress.

ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

FINANCIAL SERVICES REFORM

During the 105th Congress, the Subcommittee on Finance and Hazardous Materials held three oversight hearings on the financial services industry modernization. The hearings focused on the current regulatory structure for the securities, insurance, and banking industries; the need for modernization; the barriers to increased competition; and the impact of modernization on consumers and taxpayers.

On May 1, 1997, the Subcommittee received testimony that addressed the "two way street"—the ability of financial entities to compete with each other without disparity. The Subcommittee examined the ability of different financial service providers to offer the same services without disparate regulatory treatment. The testimony received focused on the impact of any disparate treatment on competition and on consumer and investor protections.

On May 14, 1997, the Subcommittee on Finance and Hazardous Materials examined the impact of mergers and acquisitions within the financial services industry. Testimony focused on the efficiencies of consolidation and affiliations, competitive disparity and advantages gained by entities able to merge over financial service firms unable or prohibited from certain mergers, and the impact of recent mergers on legislative efforts to modernize the financial services industry.

The Subcommittee received testimony on insurance regulation at the June 24, 1997, hearing. Specifically, the hearing focused on the impact of bank insurance sales regulation on consumer protections and the implications of bank insurance sales powers on competition in the insurance industry. Testimony also addressed issues of uniform State licensing for insurance brokers, State demutualization laws, and State redomestication laws.

These hearings assisted the Committee in drafting legislative language that was included in H.R. 10, the Financial Services Act of 1998, which passed the House in the 105th Congress.

SUPERFUND

During the 104th Congress, the Committee on Commerce held eight oversight hearings addressing specific areas of the Superfund Program. During the 105th Congress, the Subcommittee on Finance and Hazardous Materials held two oversight hearings on the Superfund program.

On September 4, 1997, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on the Operation of the Superfund Program, at which Members of Congress testified before the Subcommittee on how the Superfund Program is working, or not working, as the case may be, in their Districts.

On February 4, 1998, the Subcommittee on Finance and Hazardous Materials held an oversight hearing on the Status of the Superfund Program. The hearing focused on the pace of cleanup at National Priorities List (NPL) sites. According to a March 1997 GAO study (*Times to Complete the Assessment and Cleanup of Hazardous Waste Sites,* United States General Accounting Office, March, 1997, GAO/RCED-97-20) and a September 1997 follow-up report, it takes an average of 9.4 years from the time a "non-Federal" site (generally, a site not owned or operated by the Federal government) is discovered until the time it is listed on the NPL. The study also determined that the time from site listing until cleanup completion (defined as the date on which the U.S. Environmental Protection Agency (EPA) issued a remedial action report indicating that cleanup construction had been completed) was 10.6 years. Witnesses discussed (1) criticisms that the Superfund program has been slow, unnecessarily costly, and overly litigious, and (2) reform efforts to correct these perceived problems, among others.

Based on these hearings and the hearings held in the 104th Congress, legislative proposals were developed to reform the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). These proposals were included in H.R. 3000, the Superfund Reform Act of 1997, which was the subject of two legislative Subcommittee hearings on March 5, and March 26, 1998.

TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION ISSUES

IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

In the 104th Congress, the Telecommunications Act of 1996 (the Telecommunications Act) was enacted into law as Public Law 104-104, with the stated purposes of promoting competition, reducing regulation, and encouraging the rapid deployment of new telecommunications technology. In crafting this legislation, Congress realized that, if properly implemented, the Telecommunications Act would give American telecommunications consumers lower prices, more choice, and better service. Since the date of its enactment, the Committee on Commerce has closely monitored the entities charged with implementing the Telecommunications Act, including the Federal Communications Commission (FCC), State Public Utility Commissions, and the Department of Justice, as well as other entities.

With respect to some of the major provisions of the Telecommunications Act, the Commerce Committee has aggressively sought to ensure that Congressional intent is being satisfied. Over the course of the 105th Congress, the Chairman of the Committee on Commerce sent a series of letters, some of which were co-signed by ranking majority and minority members for the House and Senate Commerce Committees, to the FCC regarding the FCC's plan to implement the schools and libraries provision of universal service section of the Telecommunications Act. In particular, Members expressed their concern that the FCC's implementation strategy would cause telephone rates to increase for many Americans. While

the FCC ultimately modified its program in response to the Committee's concern, the FCC did not go far enough to prevent rate increases. In addition, on June 20, 1997, the Committee sent a letter to the FCC clarifying Congressional intent regarding the conditions that must be satisfied for a Bell Operating Company to offer in-region, interLATA services. The Committee also sent letters to the appropriate Federal and State regulatory agencies, private industry, and consumer advocates requesting data on the state of local telephone competition. The Commerce Committee will use the data to determine whether local telephone competition is occurring as Congress envisioned with the passage of the Telecommunications Act.

As part of a reauthorization hearing of the FCC, on March 31, 1998, Members of the Subcommittee on Telecommunications, Trade, and Consumer Protection questioned FCC Commissioners on their implementation of the Telecommunications Act. Specific issues raised at the hearing included the FCC's implementation of the schools and libraries provision and Bell Operating Company entry into the interLATA market provision of the Telecommunications Act.

In addition, in November 1997, the Subcommittee on Oversight and Investigations began an investigation of the FCC's implementation of universal service. Section 254 of the Communications Act directs the FCC to implement programs to ensure universal telephone service throughout the nation. The Committee sent a series of letters to the FCC and the Chief Executive Officers of AT&T Corporation and MCI Telecommunications Corporation and requested that they identify meetings and produce documents related to the FCC's implementation of the universal service provisions of the Telecommunications Act of 1996. Committee staff also interviewed numerous FCC and industry representatives to ascertain how the FCC implemented the schools and libraries program. After extensive review of the documents submitted to the Committee and interviews with representatives of the FCC, Administration, and long distance companies, the Committee remains concerned that the FCC inappropriately pressured and threatened long distance companies not to recover the cost of the schools and libraries program from residential consumers for at least six months. The Committee intends to closely monitor the implementation of this program in the 106th Congress.

In connection with its review of the implementation of the Telecommunications Act, the Committee was disturbed by information indicating that one Regional Bell Operating Company was taking certain inappropriate actions in connection with that company's efforts to gain long distance entry pursuant to the requirements set forth in section 271 of the Act. Specifically, the Wall Street Journal reported that BellSouth "offered to drop a legal challenge to Teligent's FCC licenses if the start-up local company would support its long distance application." After reviewing relevant documents and interviewing various individuals, the Committee concluded that BellSouth had indeed acted in a troubling manner in connection with its efforts to gain support for its 271 application. The Committee wrote to BellSouth to set forth its findings. The Committee also wrote to the FCC Chairman to disclose its findings and

to urge the FCC to take all appropriate measures to ensure that filings in support of future section 271 applications are genuine indications that the applicant's local exchange market is open to competition. The Committee suggested that the FCC, as part of its public interest analysis, could consider requiring applicants to certify to the FCC that they neither gave nor promised any type of benefit to other companies or individuals as part of their efforts to generate support for such applications. The FCC Chairman responded by noting that the Committee's findings are "serious and troubling" and that he would give consideration to the Committee's suggestion.

Finally, the Committee closely monitored the FCC's implementation of section 304 of the Telecommunications Act of 1996. Section 304 is intended to promote competition in the market for customer premises equipment that is used to navigate multichannel video programming distribution (MVPD) systems. On June 10, 1998, the Committee sent a letter to the FCC urging the agency to comply with the intent of section 304.

The Committee on Commerce will continue to oversee the implementation of the Telecommunications Act during the 106th Congress.

FEDERAL COMMUNICATIONS COMMISSION

On March 31, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the statutory reauthorization of the Federal Communications Commission (FCC). Given the FCC's ongoing implementation of the Telecommunications Act of 1996, the formulation of telecommunications policy is now at a critical juncture. Congress, either collectively or through individual Members, had expressed concern over the FCC's implementation of a number of important issues, including (but not limited to) free air time for political candidates and universal service funding for schools and libraries. Moreover, the Telecommunications Act of 1996 establishes as U.S. policy the deregulation of telecommunications. The Subcommittee used the hearing to examine whether the FCC was taking sufficient steps toward deregulation, including whether the FCC has established long-range plans for both eliminating regulations for competitive markets and reducing its staff rolls.

CELLULAR PRIVACY

On February 5, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the privacy protections afforded cellular telecommunications users. The hearing was instrumental in identifying weaknesses in current law regarding the interception of cellular communications and the ease with which scanner equipment may be used to intercept such communications. The hearing also identified potential solutions to improve the privacy protections of cellular consumers.

During the hearing, the Subcommittee Chairman, with the assistance of the Cellular Telecommunications Industry Association (CTIA), conducted a demonstration to show the ease with which cellular communications can be intercepted by using off-the-shelf

technology and technical information easily obtained via the Internet. After the hearing, the Committee sent follow-up letters to the Federal Communications Commission, the Department of Justice, and the Federal Bureau of Investigation. These letters complemented the information obtained at the hearing.

Testimony received at the hearing and the follow-up letters assisted the Committee during its consideration of H.R. 2369, the Wireless Privacy Enhancement Act of 1998, which the House passed on March 5, 1998.

SPECTRUM MANAGEMENT

On February 12, 1997, and on September 18, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held hearings on spectrum management policy. Because of the increasingly critical role spectrum plays in providing the American people with the communications services they value, the Federal government's role in managing the allocation and assignment of spectrum has become particularly important. Congress' principal mandate to the FCC has been to license services quickly and efficiently so as to further the public interest, convenience, and necessity. Congress has emphasized the importance of the licensing process because efficient licensing ensures the deployment of a wide array of services from multiple providers, which in turn promotes competition and lower prices for consumers.

But notwithstanding Congress' preference for an efficient licensing regime, numerous FCC licensing proceedings have become embroiled in unrelated or secondary issues. Testimony at the hearings indicated that a substantial amount of spectrum lies fallow in numerous administrative and legal proceedings. The Committee urged the FCC to focus on its statutory responsibility to promote intense and efficient use of the electromagnetic spectrum, and will continue to monitor this issue in the 106th Congress.

CORPORATION FOR PUBLIC BROADCASTING

On October 5, 1998, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a legislative hearing on H.R. 4067, the Public Broadcasting Reform Act of 1998. The hearing explored the public broadcasting communities', including the Corporation for Public Broadcasting (CPB), viewpoint on the strengths and weaknesses of the bill. The hearing also examined the extent of Federal funding necessary for the continued operations of CPB. Lastly, the hearing explored the level of Federal funding CPB viewed as necessary to fully convert from analog to digital television transmissions.

Section 396(e)(1) of the Communications Act of 1934 prohibits CPB from compensating its officers or employees at an annual rate of basic pay for Level 1 of the Executive Schedule. Section 396(k)(9) prohibits CPB from distributing public funds to the Public Broadcasting Service (PBS) and National Public Radio (NPR) unless assurances are provided to CPB that PBS and NPR are compensating their officers and employees at an annual rate of pay that does not exceed the rate of pay for Level 1 of the Executive Schedule. Based on a press report, the Committee became concerned that in recent

years PBS and NPR may have distributed compensation that exceeded the salary cap. Specifically, the news report indicated that PBS paid the following bonuses to certain PBS officers: $28,950; $30,700; $32,410; $25,910; and $23,945. The Committee was concerned that these large bonuses were an effort to circumvent the Section 396 salary cap and also had concerns about the size of these bonuses.

The Committee wrote to CPB, NPR, and PBS to express its concerns and to request information relating to the payment of compensation. PBS and NPR wrote to assure the Committee that they were in compliance with the statutory provisions regarding the salary caps. CPB stated that the payment of "bonuses are not prohibited by the Act, so long as they are unexpected, unusual or extraordinary, even if they otherwise exceed the Section 396 salary caps. CPB assured the Committee that it was satisfied that PBS and NPR had complied with the relevant statutory provisions on payments to officers. The Committee intends to ensure the compliance with all sections of the Communications Act of 1934.

Notably, in its response to the Committee's request for information, PBS disclosed that in 1996 six officers or employees had received total compensation (including base salary, bonuses or other supplemental pay) that exceeded the salary cap. In fact, those six officers all received bonuses of more than $23,000, with the PBS President and CEO receiving a bonus of $45,000. PBS also disclosed that, in 1997, four PBS officers received total compensation that exceeded the salary cap, with the PBS President and CEO receiving a $37,000 bonus. It should be noted that from 1990 to 1996, PBS did not have any instances in which an officer received total compensation in excess of the salary cap. From 1979 through 1989, there were a total of only six instances in which an officer received total compensation in excess on the salary cap. (One officer in 1982, 1983, 1989 and 1990; two officers in 1986). Despite the substantial increase in the number of people whose total compensation exceeded the salary cap, PBS assured the Committee that it was not attempting to circumvent the salary cap and that these bonuses were for exceptionally meritorious performance. PBS also informed the Committee that it did not expect to have any instances in 1998 in which an officer's total compensation exceeded the salary cap.

The Committee also looked into allegations by the former CPB Inspector General (IG) that he had been improperly dismissed by the CPB Board of Directors. Committee staff met with the former IG and with members of the CPB Board, including Chair Diane Blair, to discuss the former IG's allegations. The Board explained the reasons for the dismissal of the IG. In the course of reviewing these allegations and learning of the interactions between the CPB Board and the former IG, who is hired and subject to removal by the CPB Board, the Committee became concerned that the Board and IG had not developed a working plan to ensure the institutional independence of the CPB. The CPB Board agreed to address this situation and take measures to ensure that the IG has the necessary independence to discharge the IG's responsibilities.

The Committee will continue to monitor the operations of the CPB, NPR and PBS during the 106th Congress.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Congress created the National Telecommunications and Information Administration (NTIA) in 1978 to perform a number of functions including: advising the President on telecommunications policy; developing policies for international communications conferences; managing Federal use of the radio frequency spectrum; and awarding financial grants to communications companies in need of assistance. On April 24, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the statutory reauthorization of the NTIA. Committee Members discussed NTIA's core functions, its budget, Federal use of the radio frequency spectrum, and whether NTIA has the authority to administer the Telecommunications Information and Infrastructure Assistance Program.

TELECOMMUNICATIONS TRADE AGREEMENTS

The Subcommittee on Telecommunications, Trade, and Consumer Protection held two hearings in which telecommunications trade agreements were discussed.

The first hearing on March 19, 1997, examined the World Trade Organization's (WTO's) agreement on basic telecommunications. The hearing informed Members of the Subcommittee on the WTO basic telecommunications agreement, including its reliance on principles codified in the Telecommunications Act of 1996 and on the planned implementation of that agreement.

The impact of the WTO basic telecommunications agreement on satellite communications was discussed at a legislative hearing on H.R. 1872, the Communications Satellite Competition and Privatization Act of 1997, held on September 30, 1997, by the Subcommittee on Telecommunications, Trade and Consumer Protection.

AUTOMOBILE SAFETY—AIRBAGS AND OTHER SAFETY DEVICES

On April 28, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing entitled "Air Bags, Car Seats, and Child Safety" which focused on the potential for injury from air bag deployments, methods to reduce that potential for injury, and other strategies for protecting children from injuries in automobile crashes. In addition, the issue of air bags and the statutory mandate for air bags was extensively discussed in the Subcommittee's May 22, 1997, oversight hearing on the National Highway Traffic Safety Administration (NHTSA) in preparation for its reauthorization.

As a result of these oversight activities, the Committee reported, and the House passed, H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998. The Committee's NHTSA reauthorization provisions were also included in the Transportation Equity Act for the 21st Century (Public Law 105-178). As enacted into law, Public Law 105-178 includes language directing the Secretary of Transportation to promulgate a rule improving protection for all motor vehicle occupants while minimizing the risk to infants, children, and other occupants.

AUTOMOBILE SAFETY—NHTSA DEFECT INVESTIGATIONS

On May 22, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on issues related to the reauthorization of National Highway Traffic Safety Administration (NHTSA). Among the issues discussed at the hearing were the procedures used by NHTSA in investigating allegations of motor vehicle safety defects. At the hearing, automobile manufacturers raised concerns about the fairness of the NHTSA defect investigation process, and NHTSA officials gave the Subcommittee assurances that the agency would continue to work with industry to reduce the adversarial nature of the process.

AUTOMOBILE SAFETY—THE NATIONAL CRASH ASSESSMENT PROGRAM

On May 22, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on issues related to the reauthorization of National Highway Traffic Safety Administration (NHTSA). Among the issues discussed at the hearing was the agency's efforts to provide consumers with information on the relative safety of motor vehicles through its National Crash Assessment Program (NCAP). During the hearing, the Subcommittee solicited the views of NHTSA, motor vehicle manufacturers, and insurers (who run a similar crash testing program) on the effectiveness of NCAP and its ratings system. The Committee will continue to monitor concerns of manufacturers about the fairness of the testing methods and the ways in which the information is disseminated.

AMERICAN AUTOMOBILE LABELING ACT

In the Subcommittee's May 22, 1997, hearing on the reauthorization of the National Highway Traffic Safety Administration (NHTSA), members of the Subcommittee Telecommunications, Trade, and Consumer Protection discussed concerns on the part of some automobile manufacturers about the fairness of the American Automobile Labeling Act (AALA). As a result of the information obtained in the hearing, the Committee's NHTSA reauthorization provisions of the Transportation Equity Act for the 21st Century (Public Law 105-178) included language amending the AALA to modify the formulas used in computing domestic content and the information to be displayed on the AALA label.

CONSUMER PROTECTION ENFORCEMENT

The Committee on Commerce continued its oversight of the Federal Trade Commission (FTC) and its efforts to protect consumers against unfair and deceptive practices. Much of the Committee's efforts focused on the FTC's work in the area of electronic privacy. On March 4, 1998, the Committee sent several questions to the FTC regarding its work on electronic privacy and received the FTC's response on April 15, 1998. Representatives of the FTC also briefed Commerce Committee staff on the progress of the FTC's report on consumer privacy on the Internet.

"MADE IN AMERICA" LABELING STANDARDS

During 1995 and 1996, the Federal Trade Commission (FTC) undertook an extensive effort to examine its past standard for unqualified "Made in America" or "Made in U.S.A" claims. The Committee on Commerce monitored the FTC's work in this area through December 1, 1997, when the FTC informed the Committee of its decision to retain its existing "all" or "virtually all" standard for evaluating unqualified "Made in America" or "Made in U.S.A." claims.

CONSUMER PRODUCT SAFETY COMMISSION

On October 23, 1997, the Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on reauthorization of the CPSC, focusing on the General Accounting Office report entitled, *Consumer Product Safety Commission: Better Data Needed to Help Identify and Analyze Potential Hazards.* This hearing created the foundation for subsequent proposals by the CPSC and various other private business and consumer association recommendations for legislative restructuring of the CPSC, which the Committee is currently examining.

DEPARTMENT OF COMMERCE MANAGEMENT ISSUES

In the 105th Congress, the Committee continued to review Department of Commerce Management issues. The Committee followed up on an inquiry that it had commenced in the 104th Congress concerning the award by the Department's Minority Business Development Agency (MBDA) of a $3.2 million cooperative agreement in 1994 to the Cordoba Corporation, whose owner had political and fundraising ties to the Clinton-Gore campaign, to operate a large-scale minority business center in Los Angeles (the L.A. MEGA Center). Cordoba had finished a distant second in the original competitive solicitation but nonetheless was processed for the award. During this processing, it was determined that Cordoba's bid was non-responsive and rather than selecting the top-ranked bidder, the Department canceled the solicitation and issued a revised solicitation, which Cordoba won. During the processing for this award, the Department's Inspector General raised substantial concerns about the financial viability and questionable business integrity of Cordoba. Nevertheless, MBDA awarded the grant to Cordoba. After Cordoba received several poor ratings from MBDA's regional office, MBDA did not renew the grant and the MEGA center was closed in 1995.

The IG issued an audit report in February 1997 on the MBDA grant with Cordoba to run the L.A. MEGA Center, concluding that Cordoba owed the government $222,756. After reviewing MBDA's response to the audit report's findings and recommendations, the Committee wrote to express strong concerns about MBDA's response and urged the Department to accept all of the IG's findings and implement all of the report's recommendations. According to the Department, on February 13, 1998, the Departmental Audit Resolution Determination of the Cordoba Corporation award determined that Cordoba owed the Federal government $50,400. After Cordoba appealed this determination, the Department revised the

debt to $19,407. Cordoba has entered into a repayment plan and has paid $5,000 thus far.

The Committee also wrote to the Department in June 1997 to express concerns about an upcoming Department-funded trade mission to Honduras. The trip was being organized by a MBDA grantee. According to the mission itinerary obtained by the Committee, the mode of transportation to Honduras included a three-day cruise aboard a luxury liner. The itinerary indicated only one day of scheduled business in Honduras. In addition, it appeared that MBDA was subsidizing a significant portion of the mission costs for its private sector participants. After receiving the Committee's letter, the Department canceled the trip and indicated that the mission was to be "rescheduled and redesigned."

Advanced Technology Program

The Committee also began a review of the Department's Advanced Technology Program (ATP), which is administered by the National Institute of Standards and Technology (NIST). The Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, codified at 15 U.S.C. 278n) established the ATP for the purpose of funding new high-risk, pre-competitive technologies that are not being adequately developed by private capital markets. On July 2, 1997, the Commerce Committee Chairman, along with the Chairman of the Senate Committee on Government Affairs' Subcommittee on Government Management, Restructuring and the District of Columbia requested GAO to conduct a detailed review of the ATP. GAO released the report, titled "*Federal Research Challenges to Implementing the Advanced Technology Program*" (GAO/RCED/OCE-98-83R), in March of 1998. While noting that "the program's recently revised regulations appear to be more closely tied to addressing the underlying economics of market failure than they have been in the past . . . Significant challenges remain in connection with NIST's ability to identify the projects in which market failure has occurred."

The Committee again wrote to Secretary Daley to request information and documents on the Department's implementation of the program. The Committee intends to continue to review this program in the 106th Congress.

Additional Oversight Hearings and Activities

Product Liability Reform

The Subcommittee on Telecommunications, Trade, and Consumer Protection held two oversight hearings on product liability reform in the 105th Congress. On April 8, 1997, the Subcommittee held an oversight hearing on whether our legal system is jeopardizing consumers' access to life-saving products. Although almost 8 million Americans have had their lives saved or improved by implantable medical devices containing biomaterials, testimony presented at hearing indicated many biomaterials suppliers have limited or discontinued sales of their products to medical device manufacturers because of liability exposure. On April 30, 1997, the Subcommittee held an oversight hearing on how the legal fee structure affects consumer compensation.

Testimony presented at the April 8, 1997, Subcommittee hearing assisted the Committee in its consideration of H.R. 872, the Biomaterials Access Assurance Act of 1998, which was enacted into law as Public law 105-230.

UNITED STATES TRADE REPRESENTATIVE

In August 1998, the Committee began an inquiry into certain aspects of the 1996 U.S.-Japan Insurance Agreement. Specifically, the Committee was informed that the United States Trade Representative had entered into a secret "private minute" with respect to the Agreement. This minute was not signed, dated nor initially publicly disclosed. The Committee's inquiry seeks to determine the manner in which this private minute was developed and agreed to and the appropriateness of entering into such an agreement. The Committee is reviewing documents and interviewing individuals involved in the matter. The Committee intends to continue this review in the 106th Congress.

THE CIRCUMSTANCES SURROUNDING THE FEDERAL COMMUNICATIONS COMMISSION'S PLANNED RELOCATION TO THE PORTALS

In late 1997, the Subcommittee on Oversight and Investigations began to investigate the circumstances surrounding the Federal Communication Commission's planned relocation to the Portals building. The initial investigation was based on allegations of political favoritism in return for campaign contributions to various Democratic political groups, as well as concern that Franklin L. Haney, a partner in the Portals building, had paid Peter Knight, one of his representatives, an unlawful $1 million contingency fee to assist in obtaining a Federal lease for the Portals building. The investigation was later expanded to review Portals-related fee arrangements between Mr. Haney and James Sasser, a former U.S. Senator and current U.S. Ambassador to the People's Republic of China, and between Mr. Haney and John Wagster, another of Mr. Haney's representatives. They were paid $1 million and $500,000 by Mr. Haney, respectively.

The Committee requested and reviewed documents from the Federal Communications Commission (FCC) and the General Services Administration (GSA), which had signed the lease for the Federal government, and various other parties. The Committee also interviewed numerous government officials involved in the project. Because Mr. Haney, his various corporate entities, and his private representatives refused to provide documents voluntarily, the Committee issued subpoenas duces tecum for those materials, and held Mr. Haney in contempt of Congress on June 24, 1998, for his failure to comply with those subpoenas. Mr. Haney subsequently provided all responsive documents.

As part of its investigation, the Subcommittee on Oversight and Investigation held a series of hearings, on August 4, August 7, September 10, September 15, September 17, October 6, and October 9, 1998. The Members of the Subcommittee questioned Mr. Haney, Mr. Knight, Mr. Sasser, and Mr. Wagster about their involvement in the Portals project and their fee arrangements. The Subcommittee also questioned other participants in the financing and leasing

of the Portals building, as well as members of Mr. Knight's law firm, about their knowledge of, or involvement in, the project and the $1 million payment to Mr. Knight. Finally, the Subcommittee concluded the series of hearings with representatives of the FCC and GSA who were involved in the lease negotiations and the decision to move to the Portals. The witnesses included the former chairman of the FCC, Reed Hundt, as well as Mr. Robert Peck, who worked at both the FCC and GSA during the time in question.

Based on the evidence gathered by the Committee, Mr. Bliley and Mr. Barton directed Committee staff to prepare a report, entitled *Report on the Portals Investigation and Related Matters: Evidence Warranting Further Action by Federal Law Enforcement Authorities,* which was referred to the Department of Justice in December 1998 for appropriate action.

OTHER ISSUES

GOVERNMENT PERFORMANCE AND RESULTS ACT

Under the Government Performance and Results Act (GPRA), all agencies with budgets in excess of $20 million were required to develop, no later than by the end of Fiscal Year 1997, strategic plans that cover a period of at least 5 years and include the agency's mission statement; identify the agency's long-term strategic goals; and describe how the agency intends to achieve those goals through its activities and through its human, capital, information, and other resources.

On October 9, 1997, the Subcommittee on Oversight and Investigations conducted a hearing to assess the Department of Energy's (DOE's) management of its national laboratory system. Part of the hearing focused on the question of whether DOE was adequately using the Government Performance and Results Act. The Government Performance and Results Act of 1993 required that objective performance indicators be in place by February 1998 to measure the Department's accomplishments. Good metrics, one of the necessary components to comply with the Results Act, will provide managers with tools to test for sound management practices. Whenever costs or management practices are out of line with private sector benchmarks, there may be cause for concern about the level and effectiveness of DOE management.

Additionally, the hearing examined DOE's compliance with the Information Technology Management Reform Act of 1996, which requires each Federal agency to benchmark, where possible, its performance in terms of cost, speed, productivity, and quality of outputs and outcomes. Lastly, DOE was questioned about its compliance with the Chief Financial Officers Act of 1990, which requires that each Federal agency develop and maintain an integrated agency accounting and financial management system including financial control which provides for the systematic measurement of performance.

SYSTEMS OF ACCOUNTING FOR REGULATORY COSTS

In the 104th Congress, the Committee on Commerce expressed concerns that many Federal agencies appeared to have no manage-

ment tools to assess the overall cost impact of regulatory programs on the economy or to identify program elements which are more costly than beneficial. Provisions enacted into law in the 1997 Omnibus Consolidated Appropriations Act required Federal agencies to provide estimates of cumulative regulatory program costs and benefits.

During the 105th Congress, the Committee on Commerce carefully monitored the estimates submitted by the Federal agencies within its jurisdiction. The Committee also reviewed the Office of Management and Budget's 1998 Report to Congress on the Costs and Benefits of Federal Regulatory Programs and submitted comments thereon. Additionally, Members of the Committee on Commerce worked with Members of House and Senate Committees on Appropriation in order to ensure a similar report would be submitted in 1999.

The Committee also worked with the General Accounting Office to assess the costs of programs under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act.

ADDITIONAL OVERSIGHT HEARINGS AND ACTIVITIES

THE TOBACCO SETTLEMENT

On June 20, 1997, the Nation's largest tobacco product manufacturers and several State Attorneys General agreed to a proposal to settle approximately 40 lawsuits brought by States against the tobacco companies. Certain provisions of the settlement agreement required statutory changes to existing law, as well as the enactment of new statutes. In the Fall of 1997, the Committee and its subcommittees began an effort to review the terms of the proposed settlement, and their impact on national tobacco policy, as well as any alternatives.

As part of this effort, the Full Committee held two hearings. The first hearing, held on November 13, 1997, solicited the views of the Administration and the State Attorneys General. On January 29, 1998, the Full Committee held its second hearing which solicited the views of the chief-executive officers of the nation's five largest tobacco companies (Brown & Williamson Tobacco Corporation; Loews Corporation; Philip Morris Companies, Inc.; RJR Nabisco; and UST, Inc.).

The Subcommittee on Health and Environment held four oversight hearings on the ramifications of the proposed settlement between the Nation's largest tobacco product manufacturers and several State attorneys general. The first hearing, held on December 8, 1997, focused on the allocation of settlement funds between the States and the Medicaid program. On December 9, 1997, the Subcommittee held a hearing on efforts to prevent teen tobacco use. At the Subcommittee's third hearing on March 5, 1998, the Subcommittee focused on the views of the public health community on national tobacco policy. Finally, on March 19, 1998, the Subcommittee held a hearing on the views of the public on national tobacco policy, including representatives of various minority communities and a panel of teenagers.

The Subcommittee on Telecommunications, Trade, and Consumer Protection also held an oversight hearing on the ramifications of the proposed settlement between the nation's largest tobacco product manufacturers and several State attorneys general. This hearing, held on February 25, 1998, focused on the concerns of businesses excluded from that settlement agreement.

At the November 13, 1997, Full Committee hearing, the Chairman indicated that it was necessary for the Committee to review certain tobacco industry documents which a Minnesota court official had identified as not protected by the attorney-client privilege because they may contain evidence of crime or fraud (*State of Minnesota,* et al. *v. Philip Morris, Inc.,* et al. No. C1-948563 (2nd Judicial Dist., MN) and requested that the tobacco companies turn over those documents to the Committee voluntarily. When the companies failed to do so, the Chairman, in consultation with the Ranking Minority Member, issued subpoenas to the tobacco companies for the production of approximately 900 documents on December 4, 1997, and again on February 19, 1998, for the production of approximately an additional 39,000 documents.

Following a bipartisan staff review of those documents and consultation with the Ranking Minority Member, both sets of subpoenaed documents, with the exception of 39 documents (excluding duplicate documents) which were prepared for ongoing litigation, contained trade secret information, or contained potentially defamatory information regarding named plaintiffs, were ordered released to Committee Members and the public. The documents were made available in electronic form on CD-ROM (Committee Print 105-P and Committee Print 105-U) and on the Committee's site on the World Wide Web (http://www.house.gov/commerce).

ELECTRONIC COMMERCE

In March 1998, Chairman Bliley announced that the Committee would be undertaking a long-term initiative on electronic commerce. The goals of this initiative were to familiarize members of the Committee on Commerce about electronic commerce and its growing importance, help Congress better understand the multitude of electronic commerce issues, and lay the groundwork for the Committee's future legislative agenda.

As part of the Committee's electronic commerce initiative, the Committee held eleven hearings exploring a variety of electronic commerce issues. Two of the electronic commerce hearings were held in the Full Committee; five in the Subcommittee on Telecommunications, Trade, and Consumer Protection; two in the Subcommittee on Finance and Hazardous Materials; and one each in the Subcommittee on Health and the Environment and the Subcommittee on Energy and Power. These hearings focused on a wide range of issues including: the future of the Domain Name System, electronic payments, consumer protection, telemedicine, privacy protection, high speed networks and international trade issues.

In addition, in early 1998, the Committee wrote to a number of Federal agencies and departments on the issue of electronic commerce. The Committee sent letters to the Federal Communications Commission, the Federal Trade Commission, the United States Trade Representative, the Commodity Futures Trading Commis-

sion, the Department of Commerce, the Federal Reserve System, the Office of the Comptroller of the Currency, and the National Telecommunications and Information Administration. The purpose of these letters was to inquire about the implementation of the July 1997 Presidential Directive on Electronic Commerce and other actions impacting electronic commerce.

The Committee plans to continue its examination of electronic commerce issues in the 106th Congress.

SUMMARY

105TH CONGRESS OVERSIGHT PLAN

The Committee on Commerce addressed the overwhelming majority of the dozens of issues listed in the Committee's Oversight Plan for the 105th Congress. Nearly fifty issues were addressed through one or more specific oversight or legislative hearings. Three of the issues were addressed directly in negotiations with other Committees and included in legislation enacted into law. Others were the subject of document or information requests to the General Accounting Office or the pertinent agencies. Department or agency action on many of these issues is currently being monitored by the Committee and will continue to be reviewed as necessary in the 106th Congress.

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 the Oversight Plan, the Committee on Commerce also conducted oversight hearings in the 105th Congress on a number of major issues that were not identified in the Oversight Plan when it was adopted in February of 1997. The principal issues in this category were the Portals investigation, the proposed 1997 Tobacco Settlement, and Electronic Commerce, all of which are addressed above.

Oversight hearings were also held in the 105th Congress that addressed: assisted suicide; management concerns at the National Institutes of Health; the adequacy of access to investigative drugs for seriously ill patients; the development of policy for Federal workplace drug testing programs; the U.S.-EU Mutual Recognition Agreement on Drug Inspections; the Environmental Protection's Agency's *Interim Guidance for Investigating Title VI Administrative Complaints*; modernization of the financial services industry; and, product liability reform.

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

As a result of the actions taken pursuant to the Committee on Commerce's oversight agenda for the 105th Congress, the Committee advanced its goal of creating a more effective, less expensive, and more accountable government by eliminating government waste and inefficiency; by removing impediments to consumer choices; and by expanding markets through competition and fair dealing. Based on this record of accomplishments, the Committee will continue to serve as a driving force for sound public policy reaching into the Twenty-First Century.

APPENDIX I

LEGISLATIVE ACTIVITIES

COMMITTEE ON COMMERCE

Summary of Committee Activities

Total Bills Referred to Committee	898
Public Laws	57
Bills Reported to the House	51
Hearings Held:	
Days of Hearings	182
Full Committee	6
Subcommittee on Energy and Power	30
Subcommittee on Finance and Hazardous Materials	26
Subcommittee on Health and Environment	41
Subcommittee on Telecommunications, Trade, and Consumer Protection	37
Subcommittee on Oversight and Investigations	42
Hours of Sitting	641:52
Full Committee	20:41
Subcommittee on Energy and Power	91:15
Subcommittee on Finance and Hazardous Materials	82:23
Subcommittee on Health and Environment	150:19
Subcommittee on Telecommunications, Trade, and Consumer Protection	104:56
Subcommittee on Oversight and Investigations	192:18
Legislative Markups:	
Days of Markups	59
Full Committee	25
Subcommittee on Energy and Power	9
Subcommittee on Finance and Hazardous Materials	5
Subcommittee on Health and Environment	7
Subcommittee on Telecommunications, Trade, and Consumer Protection	13
Hours of Sitting	118:04
Full Committee	73:11
Subcommittee on Energy and Power	5:05
Subcommittee on Finance and Hazardous Materials	5:45
Subcommittee on Health and Environment	17:33
Subcommittee on Telecommunications, Trade, and Consumer Protection	16:30
Business Meetings:	
Days of Meetings	3
Subcommittee on Oversight and Investigations	3
Hours of Sitting:	5:45
Subcommittee on Oversight and Investigations	5:45
Executive Sessions:	
Days of Meetings	1
Subcommittee on Oversight and Investigations	1
Hours of Sitting	0:21
Subcommittee on Oversight and Investigations	0:21

APPENDIX II

FULL COMMITTEE MEMBERSHIP CHANGES

During the 105th Congress, the size and the membership of the Committee on Commerce changed several times. This Appendix sets forth those changes.

When the 105th Congress convened on January 7, 1997, the House of Representatives passed, by voice votes, three resolutions (H. Res. 12, H. Res. 13, and H. Res. 14) designating the membership of the standing Committees. Pursuant to the adoption of these resolutions, the size of the Committee on Commerce was set at 51 Members, 28 Republicans and 23 Democrats.

TOM BLILEY, Virginia, Chairman

W.J. "BILLY" Tauzin, Louisiana
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
Vice Chairman
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
BILL RICHARDSON, New Mexico
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
SHERROD BROWN, Ohio
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
THOMAS C. SAWYER, Ohio
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado

In addition, the Democratic Caucus placed Representative Frank Pallone, Jr. of New Jersey on sabbatical leave from the Committee on Commerce for the 105th Congress, or until such time as a vacancy occurred. Mr. Pallone retained his seniority on the Committee (after Mr. Towns) while on leave.

On February 13, 1997, Representative Bill Richardson of New Mexico resigned as a Member of the House of Representatives, and was subsequently sworn in as the United States Ambassador to the United Nations on that same date.

Representative Frank Pallone, Jr. of New Jersey was elected to the Committee on Commerce for the 105th Congress on February 13, 1997, pursuant to H. Res. 58, which passed the House on February 13, 1997, by a voice vote. Previously, Mr. Pallone had been on sabbatical leave from the Committee since the beginning of the 105th Congress.

The size of the Committee on Commerce was not affected and the membership of the Committee remained at 28 Republicans and 23 Democrats as follows:

TOM BLILEY, Virginia, Chairman

W.J. "BILLY" Tauzin, Louisiana
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
Vice Chairman
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
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
THOMAS C. SAWYER, Ohio
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado

On August 3, 1998, Representative Scott L. Klug of Wisconsin resigned as a Member of the Committee on Commerce. Representative Heather Wilson of New Mexico was elected to the Committee on Commerce for the 105th Congress on August 3, 1998, pursuant to H. Res. 515, which passed the House on August 3, 1998, by a voice vote.

The size of the Committee on Commerce was not affected and the membership of the Committee remained at 28 Republicans and 23 Democrats as follows:

TOM BLILEY, Virginia, Chairman

W.J. "BILLY" Tauzin, Louisiana
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
Vice Chairman
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
RICK BOUCHER, Virginia
THOMAS J. MANTON, New York
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
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
THOMAS C. SAWYER, Ohio
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado

The changes in the membership of the Committee on Commerce in the 105th Congress resulted in corresponding changes in the membership of the Committee's five subcommittees. For a complete listing of the subcommittee changes in the 105th Congress, see Appendix III of this report.

APPENDIX III

SUBCOMMITTEE MEMBERSHIP CHANGES

During the 105th Congress, the membership of the Committee on Commerce's five standing subcommittees changed several times. This Appendix sets forth those changes.

At the Committee on Commerce Organizational Meeting for the 105th Congress on January 21, 1997, the Committee adopted, by voice votes, four committee resolutions designating the jurisdiction, chairmen, vice chairmen, ratios, and membership of the Committee's five standing subcommittees, as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

(Ratio: 16-13)

W.J. "BILLY" TAUZIN, Louisiana, Chairman

MICHAEL G. OXLEY, Ohio
Vice Chairman
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICK WHITE, Washington
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
TOM BLILEY, Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
BART GORDON, Tennessee
ANNA G. ESHOO, California
ELIOT L. ENGEL, New York
ALBERT R. WYNN, Maryland
THOMAS J. MANTON, New York
BOBBY L. RUSH, Illinois
RON KLINK, Pennsylvania
THOMAS C. SAWYER, Ohio
GENE GREEN, Texas
KAREN McCARTHY, Missouri
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON FINANCE AND HAZARDOUS MATERIALS

(Ratio: 15-12)

MICHAEL G. OXLEY, Ohio, Chairman

W.J. "BILLY" TAUZIN, Louisiana
Vice Chairman
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
RICK WHITE, Washington
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
TOM BLILEY, Virginia
(Ex Officio)

THOMAS J. MANTON, New York
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
ALBERT R. WYNN, Maryland
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado
EDWARD J. MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
EDOLPHUS TOWNS, New York
ELIZABETH FURSE, Oregon
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio: 16-13)

MICHAEL Bilirakis, Florida, Chairman

J. DENNIS HASTERT, Illinois
Vice Chairman
JOE BARTON, Texas
FRED UPTON, Michigan
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
TOM BLILEY, Virginia
(Ex Officio)

SHERROD BROWN, Ohio
HENRY A. WAXMAN, California
BILL RICHARDSON, New Mexico
EDOLPHUS TOWNS, New York
PETER DEUTSCH, Florida
BART STUPAK, Michigan
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado
RALPH M. HALL, Texas
ELIZABETH FURSE, Oregon
ANNA G. ESHOO, California
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio: 16-13)

DAN SCHAEFER, Colorado, Chairman

MICHAEL D. CRAPO, Idaho
Vice Chairman
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
TOM BLILEY, Virginia
(Ex Officio)

RALPH M. HALL, Texas
BOBBY L. RUSH, Illinois
ELIZABETH FURSE, Oregon
THOMAS C. SAWYER, Ohio
KAREN McCARTHY, Missouri
EDWARD J. MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
SHERROD BROWN, Ohio
BART GORDON, Tennessee
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio: 9-7)

JOE BARTON, Texas, Chairman

CHRISTOPHER Cox, California
Vice Chairman
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
TOM COBURN, Oklahoma
TOM BLILEY, Virginia
(Ex Officio)

RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
RALPH M. HALL, Texas
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
GENE GREEN, Texas
JOHN D. DINGELL, Michigan
(Ex Officio)

On February 13, 1997, Representative Bill Richardson of New Mexico resigned as a Member of the House of Representatives and was subsequently sworn in as the United States Ambassador to the United Nations on that same date. Representative Richardson'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 Finance and Hazardous Materials, the Subcommittee on Health and Environment, and the Subcommittee on Energy and Power.

Representative Frank Pallone, Jr. of New Jersey was elected to the Committee on Commerce for the 105th Congress on February 13, 1997, pursuant to H. Res. 58, which passed the House on February 13, 1997. Previously, Mr. Pallone had been on sabbatical leave from the Committee since the beginning of the 105th Congress.

On March 13, 1997, the Committee on Commerce adopted, by a voice vote, a Committee resolution offered by Mr. Dingell to amend the Democratic membership of the standing subcommittees of the Committee on Commerce for the 105th Congress. The resolution reflected the election of Representative Frank Pallone, Jr. to the Committee on Commerce, pursuant to H. Res. 58, which passed the House on February 13, 1997.

The adoption of this resolution changed the membership of the Committee's five standing subcommittees as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

(Ratio: 16-13)

W.J. "BILLY" TAUZIN, Louisiana, Chairman

MICHAEL G. OXLEY, Ohio
Vice Chairman
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICK WHITE, Washington
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
TOM BLILEY, Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
BART GORDON, Tennessee
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
THOMAS J. MANTON, New York
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON FINANCE AND HAZARDOUS MATERIALS

(Ratio: 15-12)

MICHAEL G. OXLEY, Ohio, Chairman

W.J. "BILLY" TAUZIN, Louisiana
Vice Chairman
BILL PAXON, New York
PAUL E. GILLMOR, Ohio
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
RICK WHITE, Washington
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
TOM BLILEY, Virginia
(Ex Officio)

THOMAS J. MANTON, New York
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado
EDWARD J. MARKEY, Massachusetts
RALPH M. HALL, Texas
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

(Ratio: 16-13)

MICHAEL BILIRAKIS, Florida, Chairman

J. DENNIS HASTERT, Illinois
Vice Chairman
JOE BARTON, Texas
FRED UPTON, Michigan
SCOTT L. KLUG, Wisconsin
JAMES C. GREENWOOD, Pennsylvania
NATHAN DEAL, Georgia
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
ED WHITFIELD, Kentucky
GREG GANSKE, Iowa
CHARLIE NORWOOD, Georgia
TOM COBURN, Oklahoma
RICK LAZIO, New York
BARBARA CUBIN, Wyoming
TOM BLILEY, Virginia
(Ex Officio)

SHERROD BROWN, Ohio
HENRY A. WAXMAN, California
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
PETER DEUTSCH, Florida
ANNA G. ESHOO, California
BART STUPAK, Michigan
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DeGETTE, Colorado
RALPH M. HALL, Texas
ELIZABETH FURSE, Oregon
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio: 16-13)

DAN SCHAEFER, Colorado, Chairman

MICHAEL D. CRAPO, Idaho
Vice Chairman
MICHAEL BILIRAKIS, Florida
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
BILL PAXON, New York
STEVE LARGENT, Oklahoma
RICHARD BURR, North Carolina
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
JAMES E. Rogan, California
JOHN SHIMKUS, Illinois
TOM BLILEY, Virginia
(Ex Officio)

RALPH M. HALL, Texas
ELIZABETH FURSE, Oregon
BOBBY L. RUSH, Illinois
KAREN McCARTHY, Missouri
ALBERT R. WYNN, Maryland
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
SHERROD BROWN, Ohio
BART GORDON, Tennessee
PETER DEUTSCH, Florida
JOHN D. DINGELL, Michigan
(Ex Officio)

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio: 9-7)

JOE BARTON, Texas, Chairman

CHRISTOPHER COX, California
Vice Chairman
JAMES C. GREENWOOD, Pennsylvania
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
BRIAN P. BILBRAY, California
GREG GANSKE, Iowa
TOM COBURN, Oklahoma
TOM BLILEY, Virginia
(Ex Officio)

RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
PETER DEUTSCH, Florida
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
JOHN D. DINGELL, Michigan
(Ex Officio)

On August 3, 1998, Representative Scott L. Klug of Wisconsin resigned as a Member of the Committee on Commerce. Representative Klug's resignation from the Committee resulted in a vacancy in the Republican membership of the Committee on Commerce, and consequently, vacancies in the Republican membership of the Subcommittee on Telecommunications, Trade, and Consumer Protection, the Subcommittee on Finance and Hazardous Materials, and the Subcommittee on Health and Environment.

Representative Heather Wilson of New Mexico was elected to the Committee on Commerce for the 105th Congress on August 3, 1998, pursuant to H. Res. 515, which passed the House on August 3, 1998.

On August 5, 1998, the Committee on Commerce adopted, by a voice vote, a Committee resolution offered by Mr. Gillmor to amend the Republican membership of the standing subcommittees of the Committee on Commerce for the remainder of the 105th Congress. The resolution reflects the resignation of Scott L. Klug from the Committee on Commerce on August 3, 1998, and the election of Representative Heather Wilson to the Committee on Commerce, pursuant to H. Res. 515, which passed the House on August 3, 1998.

The adoption of this resolution changed the membership of the Committee's five standing subcommittees as follows:

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

(Ratio: 16-13)

W.J. "BILLY" TAUZIN, Louisiana, Chairman

MICHAEL G. OXLEY, Ohio
Vice Chairman
DAN SCHAEFER, Colorado
JOE BARTON, Texas
J. DENNIS HASTERT, Illinois
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
CHRISTOPHER COX, California
NATHAN DEAL, Georgia
STEVE LARGENT, Oklahoma
RICK WHITE, Washington
JAMES E. ROGAN, California
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico
TOM BLILEY, Virginia
(Ex Officio)

EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
BART GORDON, Tennessee
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
THOMAS J. MANTON, New York
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
RON KLINK, Pennsylvania
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
KAREN McCARTHY, Missouri
JOHN D. DINGELL, Michigan
(Ex Officio)

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(Ratio: 15-12)

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SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

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GENE GREEN, Texas
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SUBCOMMITTEE ON ENERGY AND POWER

(Ratio: 16-13)

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ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
RICK WHITE, Washington
TOM COBURN, Oklahoma
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SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio: 9-7)

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Vice Chairman
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MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
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RON KLINK, Pennsylvania
HENRY A. WAXMAN, California
PETER DEUTSCH, Florida
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
THOMAS C. SAWYER, Ohio
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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: 57

Public Law Number	Date Approved	Bills	Title
105-8	March 31, 1997	S. 410	An Act to extend the effective date of the Investment Advisers Supervision Coordination Act.
105-12	April 30, 1997	H.R. 1003	Assisted Suicide Funding Restriction Act of 1997.
105-13	May 14, 1997	H.R. 1001	An Act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.
105-15	May 15, 1997	H.R. 968	An Act 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.
105-20	June 27, 1997	H.R. 956	Drug-Free Communities Act of 1997.
105-23	July 3, 1997	H.R. 363	An Act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.
105-28	July 18, 1997	H.R. 649	Department of Energy Standardization Act of 1997.
105-31	July 25, 1997	H.R. 2018	An Act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.
105-33	August 5, 1997	H.R. 2015	Balanced Budget Act of 1997. (Includes provisions relating to (1) communications issues, including spectrum auctions; (2) energy issues dealing with the lease of excess Strategic Petroleum Reserve capacity; and (3) health issues, including Medicare reform, Medicaid restructuring, and establishment of the State Children's Health Insurance Program.)
105-34	August 5, 1997	H.R. 2014	Taxpayer Relief Act of 1997.(Includes provisions clarifying the diabetes provisions in the State Children's Health Insurance Program established in Public Law 105-33.)
105-41	August 13, 1997	H.R. 1585	Stamp Out Breast Cancer Act.
105-42	August 15, 1997	H.R. 408	International Dolphin Conservation Program Act. (Includes provisions relating to Federal Trade Commission enforcement of tuna labeling standards.)
105-78	November 13, 1997	H.R. 2264	Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998. (Includes provisions relating to Parkinson's Disease and the relocation of the Gillis W. Long Hansen's Disease Center.)
105-85	November 18, 1997	H.R. 1119	National Defense Authorization Act for Fiscal Year 1998. (Includes provisions relating to energy issues, telecommunications issues, health issues, clean air issues, and the cleanup of hazardous materials.)
105-89	November 19, 1997	H.R. 867	Adoption and Safe Families Act of 1997. (Includes provisions relating to health insurance coverage for children with special needs.)
105-115	November 21, 1997	S. 830	Food and Drug Administration Modernization Act of 1997.
105-125	December 1, 1997	S. 1354	An Act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.
105-168	April 21, 1998	S. 419	Birth Defects Prevention Act of 1998.
105-177	June 1, 1998	H.R. 2472	An Act to extend certain programs under the Energy Policy and Conservation Act.
105-178	June 9, 1998	H.R. 2400	Transportation Equity Act for the 21st Century.

Public Laws: 57—Continued

Public Law Number	Date Approved	Bills	Title
105-189	July 14, 1998	H.R. 651	An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes. (Project Number 8864).
105-190	July 14, 1998	H.R. 652	An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes. (Project Number 9025).
105-191	July 14, 1998	H.R. 848	An Act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.
105-192	July 14, 1998	H.R. 1184	An Act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.
105-193	July 14, 1998	H.R. 1217	An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes. (Project Number 10359).
105-196	July 16, 1998	H.R. 2202	National Bone Marrow Registry Reauthorization Act of 1998.
105-204	July 21, 1998	S. 2316	To require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.
105-206	July 22, 1998	H.R. 2676	Internal Revenue Service Restructuring and Reform Act of 1998. (Includes provisions making technical corrections to the Transportation Equity Act for the 21st Century, P.L. 105-178.)
105-211	July 29, 1998	H.R. 2165	To extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.
105-212	July 29, 1998	H.R. 2217	To extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.
105-213	July 29, 1998	H.R. 2841	To extend the time required for the construction of a hydroelectric project.
105-230	August 13, 1998	H.R. 872	Biomaterials Access Assurance Act of 1998.
105-234	August 14, 1998	H.R. 3824	An Act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.
105-236	September 20, 1998	H.R. 629	Texas Low-Level Radioactive Waste Disposal Compact Consent Act.
105-248	October 9, 1998	H.R. 4382	Mammography Quality Standards Reauthorization Act of 1998.
105-261	October 17, 1998	H.R. 3616	Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.
105-271	October 19, 1998	S. 2392	Year 2000 Information and Readiness Disclosure Act.
105-276	October 21, 1998	H.R. 4194	Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999.
105-277	October 21, 1998	H.R. 4328	Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.
105-283	October 26, 1998	H.R. 4081	An Act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.
105-285	October 27, 1998	S. 2206	Community Opportunities, Accountability, and Training and Educational Services Act of 1998 or the ''Coats Human Services Reauthorization Act of 1998''.
105-286	October 27, 1998	H.R. 8	Border Smog Reduction Act of 1998.
105-287	October 27, 1998	H.R. 624	Armored Car Reciprocity Amendments of 1998.
105-304	October 28, 1998	H.R. 2281	Digital Millennium Copyright Act.
105-305	October 28, 1998	H.R. 3332	Next Generation Internet Research Act of 1998.
105-306	October 28, 1998	H.R. 4558	Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998.
105-314	October 30, 1998	H.R. 3494	Protection of Children From Sexual Predators Act of 1998.
105-317	October 30, 1998	H.R. 3903	Glacier Bay National Park Boundary Adjustment Act of 1998.
105-320	October 30, 1998	H.R. 4309	Torture Victims Relief Act of 1998.
105-324	October 30, 1998	H.R. 4679	Antimicrobial Regulation Technical Corrections Act of 1998.
105-340	October 31, 1998	S. 1722	Women's Health Research and Prevention Amendments of 1998.
105-353	November 3, 1998	S. 1260	Securities Litigation Uniform Standards Act of 1998.
105-357	November 10, 1998	H.R. 3633	Controlled Substances Trafficking Prohibition Act.

Public Laws: 57—Continued

Public Law Number	Date Approved	Bills	Title
105-366	November 10, 1998	S. 2375	International Anti-Bribery and Fair Competition Act of 1998.
105-369	November 12, 1998	H.R. 1023	Ricky Ray Hemophilia Relief Fund Act of 1998.
105-388	November 13, 1998	S. 417	Energy Conservation Reauthorization Act of 1998.
105-392	November 13, 1998	S. 1754	Health Professions Education Partnerships Act of 1998.

APPENDIX V

PART A

Printed Hearings of the Committee on Commerce

Serial No.	Hearing title	Hearing date(s)
105-1	The Armored Car Reciprocity Amendments of 1997. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	February 11, 1997
105-2	The Department of Energy's Proposed Budget for Fiscal Year 1998. (Subcommittee on Energy and Power.)	February 11, 1997
105-3	Energy Related Legislation. H.R. 363 and H.R. 649. (Subcommittee on Energy and Power.)	February 26, 1997
105-4	FDA Policy on Home Drug Testing Kits. (Subcommittee on Oversight and Investigations.)	February 6, 1997
105-5	The Department of Health and Human Services' Proposed Budget for Fiscal Year 1998. (Subcommittee on Health and Environment.)	February 12, 1997
105-6	Federal Barriers to Common Sense Cleanups. (Subcommittee on Finance and Hazardous Materials.) Field Hearings in Columbus, Ohio and New York City, New York.	February 14, 1997 March 7, 1997
105-7	Assisted Suicide: Legal, Medical, Ethical and Social Issues. (Subcommittee on Health and Environment.)	March 6, 1997
105-8	Medicaid Reform: The Governors' View. (Subcommittee on Health and Environment.)	March 11, 1997
105-9	Leaking Underground Storage Tank Trust Fund Amendments Act of 1997. H.R. 688. (Subcommittee on Finance and Hazardous Materials.)	March 20, 1997
105-10	Spectrum Managment Policy. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	February 12, 1997
105-11	The WTO Telecom Agreement: Results and Next Steps. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	March 19, 1997
105-12	The Securities and Exchange Commission Authorization Act of 1997. (Subcommittee on Finance and Hazardous Materials.)	March 6, 1997
105-13	Reauthorization of the National Telecommunications and Information Administration. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	April 24, 1997
105-14	Medicare Home Health Care. (Subcommittee on Health and Environment.)	March 5, 1997
105-15	Medicare Managed Care: Payment and Related Issues. (Subcommittee on Health and Environment.)	February 27, 1997
105-16	Air Bags, Car Seats and Child Safety. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	April 28, 1997
105-17	The Texas Low-Level Radioactive Waste Disposal Compact Consent Act. H.R. 629. (Subcommittee on Energy and Power.)	May 13, 1997
105-18	The Common Cents Stock Pricing Act of 1997. H.R. 1053. (Subcommittee on Finance and Hazardous Materials.)	April 10, 1997 April 16, 1997
105-19	Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 1. (Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations.) Clean Air Scientific Advisory Committee's (CASAC) Review; Development of the Regulatory Impact Analysis for EPA's Proposed Revisions.	April 10, 1997 April 17, 1997
105-20	Medical Devices: Technological Innovation and Patient/Provider Perspectives. (Subcommittee on Health and Environment.)	April 30, 1997
105-21	Reauthorization of the Prescription Drug User Fee Act and FDA Reform. (Subcommittee on Health and Environment.)	April 23, 1997
105-22	Cellular Privacy: Is Anyone Listening? You Betcha! (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	February 5, 1997
105-23	The New TV Ratings System: How Is It Playing In Peoria? (Subcommittee on Telecommunications, Trade, and Consumer Protection.) Field Hearing in Peoria, Illinois.	May 19, 1997
105-24	Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions—Part 2. (Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations.) The Perspectives of State and Local Elected Officials. The Health Effects of Ozone and Particulate Matter. Overview: EPA Administrator Carol M. Browner.	May 1, 1997 May 8, 1997 May 15, 1997

Printed Hearings of the Committee on Commerce—Continued

Serial No.	Hearing title	Hearing date(s)
105-25	Electricity: Reliability and Competition. (Subcommittee on Energy and Power.)	June 19, 1997
105-26	Continued Management Concerns at the NIH. (Subcommittee on Oversight and Investigations.)	June 19, 1997
105-27	The Nuclear Waste Policy Act of 1997. H.R. 1270. (Subcommittee on Energy and Power.)	April 29, 1997
105-28	Reauthorization of Transportation-Related Air Quality Improvement Programs. (Subcommittee on Health and Environment.)	June 18, 1997
105-29	Department of Energy's Office of Science and Technology. (Subcommittee on Oversight and Investigations.)	May 7, 1997
105-30	Reauthorization of the National Highway Traffic Safety Administration. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	May 22, 1997
105-31	Product Liability Reform. (Subcommittee on Telecommunications, Trade, and Consumer Protection.) Consumer Access to Life-Saving Products. How The Legal Fee Structure Affects Consumer Compensation.	April 8, 1997 April 30, 1997
105-32	DOE Civilian Research and Development Act of 1997. H.R. 1277. (Subcommittee on Energy and Power.)	May 20, 1997
105-33	The Internet Tax Freedom Act. H.R. 1054. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	July 11, 1997
105-34	Financial Services Reform. (Subcommittee on Finance and Hazardous Materials.) ''A Two Way Street'' and Functional Reform. Consolidation in the Brokerage Industry. Insurance Regulation.	May 1, 1997 May 14, 1997 June 24, 1997
105-35	The National Salvage Motor Vehicle Consumer Protection Act of 1997. H.R. 1839. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	June 26, 1997
105-36	Implementation of Title VI of the 1990 Clean Air Act Amendments and Plans for the Upcoming Meeting of the Parties to the Montreal Protocol in Montreal in September 1997. (Subcommittee on Health and Environment.)	July 30, 1997
105-37	Electricity: Public Power, TVA, BPA, and Competition. (Subcommittee on Energy and Power.)	July 9, 1997
105-38	The Financial Services Competitiveness Act of 1997. H.R. 10. (Subcommittee on Finance and Hazardous Materials.)	July 17, 1997 July 25, 1997 July 30, 1997
105-39	The Security and Freedom Through Encryption (SAFE) Act. H.R. 695. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	September 4, 1997
105-40	Electric Utility Industry Restructuring: Why Shouldn't All Consumers Have a Choice? (Subcommittee on Energy and Power.) Field hearings in Atlanta, Georgia; Richmond, Virginia; Chicago, Illinois; and Dallas, Texas.	April 14, 1997 April 18, 1997 May 2, 1997 May 9, 1997
105-41	Operation of the Superfund Program. (Subcommittee on Finance and Hazardous Materials.)	September 4, 1997
105-42	EPCA FY 1998 Reauthorization. H.R. 2472. (Subcommittee on Energy and Power.)	September 16, 1997
105-43	Overview of NIH Programs. (Subcommittee on Health and Environment.)	September 30, 1997
105-44	Adequacy of Access to Investigative Drugs for Seriously Ill Patients. (Subcommittee on Oversight and Investigations.)	September 23, 1997
105-45	The Department of Energy's Implementation of Contract Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9. (Subcommittee on Oversight and Investigations.)	July 28 1997 July 29, 1997
105-46	Electricity: Innovation and Competition. (Subcommittee on Energy and Power.)	September 5, 1997
105-47	Video Competition. (Subcommittee on Telecommunications, Trade, and Consumer Protection.) The Status of Competition Among Video Delivery Systems. Access to Programming.	July 29, 1997 October 30, 1997
105-48	Medicare Provider Service Networks. (Subcommittee on Health and Environment.)	March 19, 1997
105-49	Electricity Competition: Necessary Federal and State Roles. (Subcommittee on Energy and Power.)	September 24, 1997
105-50	Reauthorization of the Substance Abuse and Mental Health Services Act. (Subcommittee on Health and Environment.)	March 18, 1997
105-51	The Federal-State Relationship: A Look Into EPA Regulatory Reinvention Efforts. (Subcommittee on Oversight and Investigations.)	November 4, 1997
105-52	The National Highway Traffic Safety Administration Reauthorization Act of 1997. H.R. 2691. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	October 29, 1997
105-53	Medicare Preventive Benefits and Quality Standards. (Subcommittee on Health and Environment.)	April 11, 1997
105-54	Reauthorization of the Consumer Product Safety Commission. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	October 23, 1997

Printed Hearings of the Committee on Commerce—Continued

Serial No.	Hearing title	Hearing date(s)
105-55	Assessing the Department of Energy's Management of the National Laboratory System. (Subcommittee on Oversight and Investigations.)	October 9, 1997
105-56	The Tobacco Settlement: Views of the Administration and the State Attorneys General. (Full Committee.)	November 13, 1997
105-57	The Department of Energy's Implementation of Contract Reform: Mismanagement of Performance-Based Contracting. (Subcommittee on Oversight and Investigations.)	October 23, 1997
105-58	Medicare Waste, Fraud, and Abuse. (Subcommittee on Oversight and Investigations.)	September 29, 1997
105-59	Implementation of the Private Securities Litigation Reform Act of 1995 (P.L. 104-67). (Subcommittee on Finance and Hazardous Materials.)	October 21, 1997
105-60	Transborder Air Pollution, Including the Impact of Emissions From Foreign Transborder Commuter Vehicles on Air Quality in Border Regions. (Subcommittee on Health and Environment.) Field hearing in San Diego, California.	November 18, 1997
105-61	Communications Satellite Competition and Privatization Act of 1997. H.R. 1872. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	September 30, 1997
105-62	Implementation of the Clean Air Act National Ambient Air Quality Standards (NAAQS) Revisions for Ozone and Particulate Matter. (Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations.)	October 1, 1997
105-63	Managed Care Quality. H.R. 1415 and H.R. 820. (Subcommittee on Health and Environment.)	October 28, 1997
105-64	Medicare Home Health. (Subcommittee on Oversight and Investigations.)	October 29, 1997
105-65	Electricity Competition. H.R. 655, H.R. 338, H.R. 1230, H.R. 1359, and H.R. 1960. (Subcommittee on Energy and Power.)	October 21, 1997 October 22, 1997
105-66	The Tobacco Settlement—Part 1. (Subcommittee on Health and Environment.) Relating to Medicaid and the Allocation of Settlement Funds. Relating to Preventing Teen Tobacco Use.	December 8, 1997 December 9, 1997
105-67	International Global Climate Change Negotiations. (Subcommittee on Energy and Power.) The Economic and Environmental Impact of the Proposed Agreement. Status of International Global Climate Change Negotiations.	July 15, 1997 November 5, 1997
105-68	The Tobacco Settlement: Views of Tobacco Industry Executives. (Full Committee.)	January 29, 1998
105-69	The Department of Energy's Funding of Molten Metal Technology—Part 1. (Subcommittee on Oversight and Investigations.)	November 5, 1997 November 7, 1997
105-70	Cloning: Legal, Medical, Ethical and Social Issues. (Subcommittee on Health and Environment.)	February 12, 1998
105-71	Preventing the Transmission of the Human Immunodeficiency Virus (HIV). (Subcommittee on Health and Environment.)	February 5, 1998
105-72	The Tobacco Settlement—Part 2. (Subcommittee on Telecommunications, Trade, and Consumer Protection.) Views of Businesses Excluded From the Tobacco Settlement.	February 25, 1998
105-73	The General Accounting Office's Investigative Findings of Alleged Medicare Improprieties by a Home Health Agency. (Subcommittee on Oversight and Investigations.)	March 19, 1998
105-74	Wireless Enhanced 911 Services. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	March 24, 1998
105-75	Food and Drug Administration Management Concerns. (Subcommittee on Oversight and Investigations.)	April 1, 1998
105-76	New Developments in Medical Research: NIH and Patient Groups. (Subcommittee on Health and Environment.)	March 26, 1998
105-77	The Department of Energy's Funding of Molten Metal Technology—Part 2. (Subcommittee on Oversight and Investigations.)	November 21, 1997 February 12, 1998
105-78	The Superfund Reform Act. H.R. 3000. (Subcommittee on Finance and Hazardous Materials.)	March 5, 1998 March 26, 1998
	The Superfund Reform Act Addendum. H.R. 3000. (Subcommittee on Finance and Hazardous Materials.)	March 5, 1998 March 26, 1998
105-79	The Federal-State Relationship: Environmental Self Audits. (Subcommittee on Oversight and Investigations.)	March 17, 1998
105-80	Video Competition: Multichannel Programming. H.R. 2921 and H.R. 3210. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	April 1, 1998
105-81	Medicare Waste, Fraud, and Abuse: A Regional Perspective. (Subcommittee on Oversight and Investigations.) Field hearing in Colleyville, Texas.	March 2, 1998
105-82	The Tobacco Settlement—Part 3. (Subcommittee on Health and Environment.) Views of the Public Health Community. Views of the Public.	March 6, 1998 March 19, 1998
105-83	Reauthorization of the Nuclear Regulatory Commission. H.R. 3532. (Subcommittee on Energy and Power.)	March 25, 1998
105-84	Industry Implementation of Decimal Pricing. (Subcommittee on Finance and Hazardous Materials.)	May 8, 1998

Printed Hearings of the Committee on Commerce—Continued

Serial No.	Hearing title	Hearing date(s)
105-85	The Securities Litigation Uniform Standards Act of 1997. H.R. 1689. (Subcommittee on Finance and Hazardous Materials.)	May 19, 1998
105-86	The Auto Choice Reform Act of 1997. H.R. 2021. (Subcommittee on Finance and Hazardous Materials.)	May 20, 1998
105-87	The Department of Energy's Proposed Budget for Fiscal Year 1999. (Subcommittee on Energy and Power.)	February 5, 1998
105-88	Reauthorization of the Mammography Quality Standards Act. (Subcommittee on Health and Environment.)	May 8, 1998
105-89	High Definition Television: Coming To A Home Theater Near You. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	April 23, 1998
105-90	Department of Energy's Hanford Spent Nuclear Fuel Project. (Subcommittee on Oversight and Investigations.)	May 12, 1998
105-91	Reauthorization of the Federal Communications Commission. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	March 31, 1998
105-92	Status of the Superfund Program. (Subcommittee on Finance and Hazardous Materials.)	February 4, 1998
105-93	China Trade Policy. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	May 14, 1998
105-94	Implementation of the Reformulated Gasoline Program in California. H.R. 630. (Subcommittee on Health and Environment.)	April 22, 1998
105-95	Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered Dose Inhalers. (Subcommittee on Health and Environment.)	May 6, 1998
105-96	Medicare Billing: Savings Through Implementation of Commercial Software. (Subcommittee on Oversight and Investigations.)	May 19, 1998
105-97	States' Alternative Environmental Compliance Strategies. (Subcommittee on Oversight and Investigations.)	June 23, 1998
105-98	Community-Based Care for Americans with Disabilities. (Subcommittee on Health and Environment.)	March 12, 1998
105-99	The National Oilheat Research Alliance Act of 1998. H.R. 3610. (Subcommittee on Energy and Power.)	June 16, 1998
105-100	The Gift of Life: Increasing Bone Marrow Donation and Transplantation. (Joint Hearing with Subcommittee on Health and Environment and the Senate Committee on Labor and Human Resources.)	April 23, 1998
105-101	Protecting Consumers Against Slamming. H.R. 3050 and H.R. 3888. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	June 23, 1998
105-102	The WIPO Copyright Treaties Implementation Act. H.R. 2281 (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	June 5, 1998
105-103	The Impact and Effectiveness of the Small Order Execution System. (Subcommittee on Finance and Hazardous Materials.)	August 3, 1998
105-104	Progress on Uranium Mill Tailings Cleanup. (Subcommittee on Energy and Power.)	July 27, 1998
105-105	Enhancing Retirement Through Individual Investment Choices. (Subcommittee on Finance and Hazardous Materials.)	July 24, 1998
105-106	The Department of Health and Human Services' Policy for Federal Workplace Drug Testing Programs. (Subcommittee on Oversight and Investigations.)	July 23, 1998
105-107	Putting Patients First: Resolving Allocation of Transplant Organs. (Joint Hearing with the Subcommittee on Health and Environment and the Senate Committee on Labor and Human Resources.)	June 18, 1998
105-108	The Kyoto Protocol and Its Economic Implications. (Subcommittee on Energy and Power.)	March 4, 1998
105-109	The Energy Policy Act Amendments of 1997. H.R. 2568. (Subcommittee on Energy and Power.)	July 21, 1998
105-110	EPA's Title VI Interim Guidance and Alternative State Approaches. (Subcommittee on Oversight and Investigations.)	August 6, 1998
105-111	Electronic Commerce—Part 1. (Full Committee.) The Marketplace of the 21st Century. The Global Electronic Marketplace.	April 30, 1998 July 29, 1998
105-112	Electronic Commerce—Part 2. (Subcommittee on Finance and Hazardous Materials.) New Methods for Making Electronic Purchases. Investing Online.	June 4, 1998 June 18, 1998
105-113	Electronic Commerce—Part 3. (Subcommittee on Telecommunications, Trade, and Consumer Protection.) Building Tomorrow's Information Infrastructure. Doing Business Online. The Future of the Domain Name System. Consumer Protection in Cyberspace. Privacy in Cyberspace.	May 7, 1998 May 21, 1998 June 10, 1998 June 25, 1998 July 21, 1998
105-114	Electronic Commerce—Part 4. (Subcommittee on Health and Environment.) The Promise of Better Health Care Through Telemedicine.	June 5, 1998

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105-115	Electronic Commerce—Part 5. (Subcommittee on Energy and Power.) The Energy Industry in the Electronic Age.	July 15, 1998
105-116	Wireless Communications and Public Safety Act of 1998. H.R. 3844. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	June 9, 1998
105-117	External Regulation of Department of Energy Nuclear Facilities. (Subcommittee on Energy and Power.)	May 20, 1998
105-118	Education and Technology Initiatives. (Joint hearing with the Full Committee and the Committee on Education and the Workforce.)	September 16, 1998
105-119	Legislative Proposals to Protect Children from Inappropriate Materials on the Internet. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	September 11, 1998
105-120	Circumstances Surrounding the FCC's Planned Relocation to the Portals—Part 1. (Subcommittee on Oversight and Investigations.)	August 4, 1997 August 7, 1998
105-121	Circumstances Surrounding the FCC's Planned Relocation to the Portals—Part 2. (Subcommittee on Oversight and Investigations.)	September 10, 1998 September 15, 1998 September 17, 1998
105-122	Circumstances Surrounding the FCC's Planned Relocation to the Portals—Part 3. (Subcommittee on Oversight and Investigations.)	October 6, 1998 October 9, 1998
105-123	The Implementation of the Abstinence Education Provisions in the Welfare Reform Act. (Subcommittee on Oversight and Investigations.)	September 25, 1998
105-124	Abuses of the Medicare Partial Hospitalization Benefit at Community Mental Health Centers. (Subcommittee on Oversight and Investigations.)	October 5, 1998
105-125	Energy Security: What Will the New Millennium Bring? (Subcommittee on Energy and Power.)	October 2, 1998
105-126	Protecting Consumers Against Cramming and Spamming. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	September 28, 1998
105-127	Department of Health and Human Services Inspector General's Audit of the Health Care Financing Administration's FY 1997 Financial Statements. (Joint Hearing with the Subcommittee on Oversight and Investigations, the Subcommittee on Health and Environment, and the Committee on Government Reform and Oversight Subcommittee on Government Management, Information, and Technology.)	April 24, 1998
105-128	The State of Cancer Research. (Subcommittee on Health and Environment.)	July 20, 1998
105-129	Imported Drugs: U.S.-E.U. Mutual Recognition Agreement on Drug Inspections. (Subcommittee on Oversight and Investigations.)	October 2, 1998
105-130	Improving Price Competition for Mutual Funds and Bonds. (Subcommittee on Finance and Hazardous Materials.)	September 29, 1998
105-131	HIV Partner Protection Act. H.R. 4431. (Subcommittee on Health and Environment.)	September 29, 1998
105-132	Public Broadcasting Reform Act of 1998. H.R. 4067. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	October 5, 1998
105-133	State Children's Health Insurance Program: A Progress Report. (Subcommittee on Health and Environment.)	September 18, 1998
105-134	Spectrum Management Oversight. (Subcommittee on Telecommunications, Trade, and Consumer Protection.)	September 18, 1998
105-135	Implementation of the Safe Drinking Water Act Amendments. (Subcommittee on Health and Environment.)	October 8, 1998
105-136	Implementation of the Food and Drug Administration Modernization Act of 1997. (Full Committee.)	October 7, 1998
105-137	A Review of the Department of Energy's Hanford Radioactive Tank Waste Privatization Contract. (Subcommittee on Oversight and Investigations.)	October 8, 1998
105-138	The Federal Hydroelectric Relicensing Process. (Subcommittee on Energy and Power.)	September 25, 1998
105-139	The Medicare+Choice Program After One Year. (Subcommittee on Health and Environment.)	October 2, 1998
105-140	The Kyoto Protocol: The Outlook for Buenos Aires and Beyond. (Subcommittee on Energy and Power.)	October 6, 1998
105-141	International Anti-Bribery and Fair Competition Act of 1997. H.R. 4353. (Subcommittee on Finance and Hazardous Materials.)	September 10, 1998

PART B

Committee Prints

Serial No.	Title
105-A	Survey of Federal Agencies on Costs of Federal Regulations. (A Staff Report prepared for the Committee on Commerce.)
105-B	Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Communications Law. (Full Committee.)
105-C	Compilation of Selected Energy-Related Legislation—Energy Conservation, Low-Income Assistance, and Related Matters. (Full Committee.)
105-D	Compilation of Selected Energy-Related Legislation—Organization and Miscellaneous Laws. (Full Committee.)
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105-J	Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Consumer Protection Law. (Full Committee.)
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105-L	Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Environmental Law, Volume 1. (Full Committee.)
105-M	Rules for the Committee on Commerce—105th Congress. (Full Committee.)
105-N	Tributes to Departing Members of the Committee on Commerce in the One Hundred Fourth Congress. (Full Committee.)
105-O	Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Environmental Law, Volume 2. (Full Committee.)
105-P	Index to Documents Relating to the Committee's Hearing on The Proposed Tobacco Settlement—November 13, 1997. (To Accompany the Documents in Electronic Format. Documents Provided on CD-Rom.) (Full Committee.)
105-Q	Rules for the Committee on Commerce—105th Congress—Second Session. (Full Committee.)
105-R	Compilation of Selected Acts Within the Jurisdiction of the Committee on Commerce—Food, Drug, and Related Law. (Full Committee.)
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105-T	Privacy, Confidentiality and Discrimination in Genetics. (Task Force on Health Records and Genetic Privacy—July 22, 1997.)
105-U	Index to Documents Relating to the Proposed Tobacco Settlement Subpoenaed on February 19, 1998. (Printed as a follow-up to the Committee's Hearing on The Proposed Tobacco Settlement—November 13, 1997. To Accompany the Documents in Electronic Format. Documents Provided on 44 CD-Roms.) (Full Committee.)
105-V	Meetings on Portals Investigation (Authorization of Subpoenas; Receipt of Subpoenaed Documents and Consideration of Objections; and Contempt of Congress Proceedings Against Franklin L. Haney.) April 30, 1998 and June 17, 1998. (Subcommittee on Oversight and Investigations.) June 24, 1998. (Full Committee.)
105-W	Without Reasonable Assurance: Financial and Property Management Concerns at the Food and Drug Administration. (A Staff Report prepared for the Subcommittee on Oversight and Investigations.)
105-X	Report on the Portals Investigation and Related Matters: Evidence Warranting Further Action by Federal Law Enforcement Authorities. (A Staff Report prepared for the Subcommittee on Oversight and Investigations.)