

dissemination of false and defamatory statements such as those that you are circulating. Please be assured that I am fully prepared to take legal action if you do not immediately cease and desist these activities.

Sincerely,

JIM McDERMOTT.

UNFUNDED MANDATES AND CBO ESTIMATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1996

Mr. HAMILTON. Mr. Speaker, the Unfunded Mandates Reform Act of 1995 was intended to assist Congress in its consideration of proposed legislation by providing information about the nature and size of possible mandates in those proposals. The Congressional Budget Office is directed by that statute to help in developing such information.

I wrote to the Congressional Budget Office to express my concerns about serious problems with the unfunded mandates information CBO provided on the conference report on H.R. 1561, the American Overseas Interest Act. That correspondence appears in the CONGRESSIONAL RECORD of March 22, 1996, at E426.

I would now like to submit the CBO response to my earlier letter. I am pleased that CBO acknowledges that it would be more useful to the Congress for CBO to provide the full cost estimate for any bill at one time, rather than in select parts, and that three of the four provisions in the conference report on H.R. 1561 would, in fact, increase costs to the States. I hope that in the future CBO will include such information in a single estimate at the time a bill is under consideration.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, April 18, 1996.

Hon. LEE H. HAMILTON,  
Ranking Minority Member, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I am writing in response to your letter of March 20, 1996, concerning CBO's intergovernmental mandates cost statement for the conference report on H.R. 1561, the Foreign Relations Authorization Act for Fiscal Years 1996 and 1997. Our mandates statement concluded that the conference report contained no intergovernmental mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

In your letter, you raised two major concerns about CBO's estimate. First, you suggested that separating the mandates cost statement from the federal cost estimate for a bill or conference report diminishes the usefulness of the information for Members. I fully agree. As a general rule, CBO attempts to send out all information on a bill—the federal cost estimate, the intergovernmental mandate statement, and the private sector mandate statement—at the same time. Sometimes, however, we cannot complete all those statements at once, and in the interest of providing information in a timely manner, we send them separately.

Second, you questioned CBO's conclusion that H.R. 1561 would impose no intergovernmental mandates. Because the definition of mandate in Public Law 104-4 is a narrow one, a bill can increase costs for states and localities without imposing a mandate upon

them. In fact, H.R. 1561 is just such a case. As you suggest, states would face additional costs if more refugees enter the United States and receive benefits from AFDC, Medicaid, or other public programs. CBO's estimate should have indicated the likelihood of such costs, even though they would not be the direct result of new mandates imposed on the states.

The Unfunded Mandates Reform Act defines a federal intergovernmental mandate as any provision in legislation, statute, or regulation that would impose an enforceable duty upon state, local, or tribal governments, except as a condition of federal assistance or a duty arising from participation in a voluntary federal program. Under the act, a provision that relates to large federal entitlement grant programs constitutes a mandate only if that provision would increase the stringency of conditions of assistance to state, local, and tribal governments under those programs, and only if the affected governments lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the provision. Furthermore, section 4 of Public Law 104-4 specifically excludes from CBO's analysis certain kinds of legislative provisions, including any provision that "is necessary for the national security or the ratification or implementation of international treaty obligations."

Three of the provisions cited in your letter as having the potential to expand the states' burden of caring for refugees (sections 1104, 1253, and 1255) do not meet the definition of an intergovernmental mandate in Public Law 104-4. These provisions relate instead to the operation of the State Department's refugee and migration assistance programs. While states would face additional costs if more refugees and asylees are allowed to remain in this country, these costs would result either from state public assistance requirements that are not controlled by the federal government, or from an increase in the number of people eligible for federal entitlement programs. Because the bill would not increase the stringency of conditions for these entitlement programs, these provisions do not constitute mandates under the law.

Section 1256, the remaining provision of the conference agreement cited in your letter, falls within the section 4 exclusion, because it is necessary for the implementation of the international obligations of the United States under the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment. Therefore, pursuant to the provisions of the act, CBO did not analyze its potential impact on state, local, and tribal governments.

Please let me know if you have further questions or concerns about this estimate or about the implementation of the Unfunded Mandates Reform Act. The CBO staff contact is Pepper Santalucia.

Sincerely,

JUNE E. O'NEILL,  
Director.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1996

Mr. HOSTETTLER. Mr. Speaker, due to official business in my district, I missed two yeas and nay votes and one recorded vote on May 8, 1996. Had I been present, I would have

voted as follows and request that these appear at the appropriate place in the record:

I would have voted "yea" on rollcall No. 150, which ordered the previous question on House Resolution 416, a resolution to establish a Select Committee of the Committee on International Relations to investigate the United States role in Iranian arms transfer to Croatia and Bosnia.

I would have voted "yea" on rollcall No. 151, on passage of House Resolution 416, a resolution to establish a Select Committee of the Committee on International Relations to investigate the United States role in Iranian arms transfer to Croatia and Bosnia.

I would have voted "yea" on rollcall No. 152, on adoption of House Resolution 417 to provide amounts for the expenses of the Select Committee of the Committee on International Relations to investigate the United States role in Iranian arms transfer to Croatia and Bosnia.

HONORING THE LAFAYETTE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Lafayette Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to express my strong support for the Native American Housing and Self-Determination Act offered as an amendment to