

2935. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the U.S. participation in an increase in authorized capital stock of the European Bank for Reconstruction and Development, and to authorize appropriations to pay for the increase in the U.S. subscription; to the Committee on Banking and Financial Services.

2936. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans (Pension and Welfare Benefits Administration) (RIN: 1210-AA54) received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2937. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's report entitled "Report to the U.S. Congress and the Secretary of Energy—1996 Finding and Recommendations," pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

2938. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on the practice of preferencing, pursuant to section 510(c) of the National Securities Markets Improvement Act of 1996; to the Committee on Commerce.

2939. A letter from the President, Inter-American Foundation, transmitting the fiscal year 1996 audited financial statements, pursuant to 22 U.S.C. 283j-1(c); to the Committee on International Relations.

2940. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the Commission's annual report, 1997, pursuant to 16 U.S.C. 469j(h); to the Committee on International Relations.

2941. A letter from the Secretary of Defense, transmitting the Department's report pursuant to section 1432 of the National Defense Authorization Act for fiscal year 1997; to the Committee on International Relations.

2942. A letter from the Attorney General of the United States, transmitting the Federal Prison Industries, Inc. annual management report for fiscal year 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

2943. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 97-009] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2944. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 041197C] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2945. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Aleutian Islands Subarea [Docket No. 961107312-7021-02; I.D. 041197B] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2946. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pa-

cific; Northern Anchovy Fishery [Docket No. 960614176-7081-02; I.D. 030797A] (RIN: 0648-AI19) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2947. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Establishment of Pre-enrolled Access Lane (PAL) Program at Immigration and Naturalization Service Checkpoints [INS No. 1830-97] (RIN: 1115-AE80) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2948. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions (Research and Special Programs Administration) [Docket No. HM-215B; Amdt. Nos. 171-153, 172-152, 173-261, 175-86, 176-43, 178-119] (RIN: 2137-AC82) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2949. A letter from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, U.S. Coast Guard, transmitting the Department's oil pollution research and technology plan, pursuant to Public Law 101-380, section 7001(b)(2)(B) (104 Stat. 560); to the Committee on Science.

2950. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans [TD 8716] (RIN: 1545-AV05) received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2951. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Organizations Organized and Operated for Religious, Charitable, Scientific, Testing for Public Safety, Literary or Educational Purposes, or for the Prevention of Cruelty to Children or Animals [Rev. Rul. 97-21] received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2952. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Method of Valuing Farm Real Property [Rev. Rul. 97-13] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2953. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97-19] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2954. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Report of Earnings under the Social Security Earnings Test [Regulations No. 4] (RIN: 0960-AE44) received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2955. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education (RIN: 0790-AG42) received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on National Security and Appropriations.

2956. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama

Canal Act of 1979, and for other purposes; jointly, to the Committees on National Security, Government Reform and Oversight, and the Judiciary.

¶36.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerk, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 495. An Act to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

The message also announced that pursuant to Public Law 104-201, the Chair, on behalf of the majority leader, after consultation with the Democratic leader, appoints the following individuals as members of the Commission on Maintaining United States Nuclear Weapons Expertise: Henry G. Chiles, Jr. of Virginia; and Robert A. Hoover of Idaho.

¶36.4 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 117):

Resolved, That it shall be in order at any time on Wednesday, April 23, 1997, or on Thursday, April 24, 1997, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶36.5 SUSPENSION OF THE RULES NOTICE

Mr. HASTINGS of Washington, pursuant to House Resolution 117, at 2 o'clock and 24 minutes p.m. announced the following measures to be considered no sooner than one hour by motions to suspend of the rules: H. Con. Res. 8, Expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems; H.R. 39, African Elephant Conservation Reauthorization Act of 1997; H.R. 449, Southern Nevada Public Land Management Act of 1997; H.R. 688, Leaking Underground Storage Tank Trust Fund Administration Amendments Act of 1997; and H.R. 1272, Fire Administration Authorization Act of 1997.

36.6 PATENT SYSTEM IMPROVEMENTS

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to House Resolution 116 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes.

Mr. HASTINGS of Washington, Acting Chairman, assumed the chair; and after some time spent therein,

36.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CAMPBELL:

Amend section 302(C)(2), p. 68 of March 20 text: Strike lines 4-6.

Insert: "under this chapter, and such use shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use, however, the defense shall also extend to improvements in"

Amend section 302(C)(6), p. 69 of March 20 text:

At line 23, strike "," add: "; in which case the use of the defense shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use."

It was decided in the { Yeas 185 negative } Nays 224

36.8 [Roll No. 86] AYES—185

Table listing names of members voting AYES for section 36.8, including Abercrombie, Bachus, Baker, Baldacci, Barcia, Barr, Barrett (WI), Bartlett, Bass, Bereuter, Bilbray, Bilirakis, Blumenauer, Bonilla, Bonior, Bono, Brown (FL), Brown (OH), Calvert, Camp, Campbell, Chenoweth, Christensen, Clayton, Clement, Coburn, Combust, Condit, Cook, Cooksey, Costello, Cox, Coyne, Crapo, Cunningham, Danner, Davis (VA), DeFazio, Dellums, Dixon, Doolittle, Doyle, Duncan, Ehlers, Emerson, Engel, Ensign, Everett, Filner, Foley.

Table listing names of members voting NOES for section 36.6, including Ryun, Salmon, Sanchez, Sanders, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Shadegg, Smith (MI), Smith (NJ), Smith, Linda, Snowbarger, Solomon, Stark, Stearns, Strickland, Stump, Stupak, Talent, Tauscher, Thornberry, Thune, Thurman, NOES—224.

Table listing names of members voting NOES for section 36.7, including Ackerman, Aderholt, Allen, Archer, Arney, Baesler, Barrett (NE), Barton, Bateman, Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Bliley, Blunt, Boehlert, Boehner, Borski, Boswell, Boucher, Boyd, Brady, Brown (CA), Bunning, Burr, Burton, Buyer, Callahan, Canady, Cannon, Capps, Cardin, Carson, Castle, Chabot, Chambliss, Clay, Clyburn, Coble, Conyers, Cramer, Crane, Davis (FL), Davis (IL), Deal, DeGette, Delahunt, DeLauro, DeLay, Dickey, Dicks, Dingell, Doggett, Dooley, Dreier, Dunn, Edwards, Ehrlich, English, Eshoo, Etheridge, Evans, Ewing, Farr, Fattah, Fawell, Fazio, Flake, Foglietta, Ford, Fox, Franks (NJ), Frelinghuysen, Frost, Ganske, Gejdenson, Gekas, Gilchrest, Gilman, Gonzalez, Goodlatte, Goodling, Granger, Greenwood, Gutknecht, Hall (OH), Hall (TX), Hamilton, Harman, Hastert, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Horn, Hostettler, Houghton, Hutchinson, Hyde, Jackson (IL), Jefferson, Jenkins, John, Johnson (CT), Johnson (WI), Johnson, Sam, Kasich, Kelly, Kennedy (RI), Kennelly, Kind (WI), Knollenberg, Kolbe, LaFalce, Lampton, Lantos, Latham, Lazio, Levin, Lewis (CA), Lewis (GA), Linder, Lofgren, Lowey, Luther, Maloney (NY), Manton, Markey, Matsui, McCarthy (MO), McCrery, McDermott, McHale, Meehan, Meek, Millender-McDonald, Miller (CA), Minge, Moakley, Mollohan, Moran (VA), Morella, Nadler, Neal, Andrews, Ballenger, Bryant, Collins, Cubin, Cummings, Deutsch, Diaz-Balart, Furse, Hoekstra, Inglis, Kilpatrick, Kingston, Rahall, Rush, Sanford, Schiff, Smith (OR), Taylor (MS), Taylor (NC), Towns, Velazquez, Wise, Yates.

NOT VOTING—24

Table listing names of members who did not vote, including Andrews, Ballenger, Bryant, Collins, Cubin, Cummings, Deutsch, Diaz-Balart, Furse, Hoekstra, Inglis, Kilpatrick, Kingston, Rahall, Rush, Sanford, Schiff, Smith (OR), Taylor (MS), Taylor (NC), Towns, Velazquez, Wise, Yates.

So the amendment was not agreed to.

36.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CAMPBELL:

Page 48 of March 20 text, strike line 3, insert:

"111(b) of this title, as to which there have been two substantive Patent Office actions since the filing, shall be published, in accordance"

Line 17, insert: "(D) 'Substantive Patent Office action' means an action by the patent office relating to the patentability of the material of the application (not including an action to separate a patent application into parts), unless the patent applicant demonstrates under procedures to be established by the patent office that the office action in question was sought in greater part for a purpose other than to achieve a delay in the date of publication of the application. Such Patent Office decision shall not be appealable, or subject to the Administrative Procedures Act."

It was decided in the { Yeas 167 negative } Nays 242

36.10 [Roll No. 87] AYES—167

Table listing names of members voting AYES for section 36.10, including Abercrombie, Archer, Bachus, Baker, Baldacci, Barcia, Barr, Barrett (WI), Bartlett, Bass, Bereuter, Bilirakis, Bonilla, Bonior, Bono, Brown (OH), Calvert, Campbell, Cardin, Chenoweth, Christensen, Clayton, Clement, Coburn, Combust, Condit, Cook, Cooksey, Costello, Cox, Crapo, Cunningham, Danner, Deal, DeFazio, DeLay, Dellums, Dixon, Doolittle, Doyle, Duncan, Emerson, English, Ensign, Everett, Ewing, Filner, Foley, Forbes, Gallegly, Gephardt, Gibbons, Goode, Goss, Graham, Green, Gutierrez, Hall (TX), Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hobson, Holden, Hoyer, Hulshof, Hunter, Hutchinson, Istook, Jones, Kanjorski, Kaptur, Kildee, King (NY), Kleczka, King (NY), Klink, Kucinich, LaHood, Largent, LaTourette, Leach, Lazio, Lewis (CA), Lewis (KY), Lipinski, Livingston, LoBiondo, Lucas, Manzullo, Martinez, Mascara, McCarthy (NY), McCrery, McDade, McHugh, McInnis, McIntyre, Mink, Molinari, Moran (KS), Myrick, Neumann, Ney, Norwood, Oberstar, Obey, Olver, Ortiz, Pallone, Pappas, Parker, Pascrell, Paul, Petri, Pickering, Pombro, Poshard, Regula, Riggs, Riley, Rivers, Rohrabacher, Ros-Lehtinen, Royce, Ryan, Salmon, Sanders, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Smith (MI), Smith (NJ), Smith, Linda, Snowbarger, Solomon, Stark, Strickland, Stump, Stupak, Sununu, Talent, Thornberry, Thune, Thurman, Tiahrt, Traficant, Walsh, Wamp, Waters, Watkins, Watt (NC), Watts (OK), Weldon (FL), Weller, Whitfield.

NOES—242

Table listing names of members voting NOES for section 36.10, including Ackerman, Aderholt, Allen, Arney, Baesler, Barrett (NE), Barton, Bateman, Becerra, Bentsen, Berman, Berry, Bilbray, Bishop, Blagojevich, Bliley, Blumenauer, Blunt.