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House of Representatives

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let our prayers of thanksgiving, O God, rise as incense to the heavens as we express our gratitude for all Your wondrous blessings. May Your good words of peace, of reconciliation, of faithfulness echo in our hearts and in our lives.

On this day we remember those men and women who have dedicated themselves to public service, who use their abilities as leaders in doing the works of righteousness and justice for all people. We pray, almighty God, that You would bless their efforts as they seek to demonstrate anew the strength that comes when people join in a vision that unites each person for the common good.

May Your peace, O God, that You freely give to us in the depths of our hearts, be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM HON. JIM BUNNING, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JIM BUNNING, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 1997.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that I consider my service as a member of the Ethics Committee complete.

Best personal regards,

JIM BUNNING,
Member of Congress.

APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON ETHICS

Mr. ARMEY. Mr. Speaker, pursuant to clause 4(e)(3) of rule X, I hereby appoint the Honorable LAMAR SMITH of Texas to fill a vacancy on the Select Committee on Ethics.

MAKING TECHNICAL CORRECTIONS TO OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I offer a joint resolution (H.J. Res. 25) making technical corrections to the Omnibus Consolidated Appropriations Act of 1997 (Public Law 104–208), and for other purposes, and I ask unanimous consent that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I simply do so to enable the gentleman from Louisiana to explain his request.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I will be happy to explain the changes to the fiscal year 1997 Omnibus Consolidated Appropriations Act proposed in the joint resolution that is the object of my unanimous-consent request.

As the gentleman will recall, one of the last actions of the 104th Congress was to pass this Omnibus Consolidated Appropriations Act. Back in late September, even though we were intensely negotiating for several consecutive days almost around the clock, we were running out of time before the new fiscal year began. We were rushing to complete our work. In this rush, several errors and omissions were made during the bill preparation so that what was signed into law did not reflect the actual agreement on this bill in a few instances.

The bill was hand enrolled and was over 8 inches thick, plus another 4 inches for the Statement of Managers. During the preparation and reproduction of the bill, one page was omitted in the copy that became law. This bill had 1,929 pages, and the Statement of Managers had nearly 1,000 pages. While it is unfortunate that this type of error occurred, considering the sheer volume of the bill and the time we had to put it together, I think we did a pretty good job. Section 1 of this joint resolution inserts the matter that was inadvertently dropped.

Sections 2 and 3 deal with correcting text that did not reflect agreement on the bill. These drafting errors resulted from failing to change all portions of preliminary text to reflect the intent of the final agreement.

The corrections proposed by this joint resolution reflect only the original agreement on this Omnibus Appropriations Act, not any changes to that agreement. They are necessary to fully carry out the original agreement.

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I thank the gentleman for yielding to me, and I urge the adoption of this joint resolution.

Mr. OBEY. Mr. Speaker, I support the gentleman's motion, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title III of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(a) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) is amended under the heading ''COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—DEFENDER SERVICES'' by striking ''attorneys ap-'' at the end and inserting the following: ''attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $308,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).''. The foregoing amendment shall be considered for all purposes to have taken effect on the date of enactment of Public Law 104–208, and any actions taken prior to the date of enactment of this section on the basis that Public Law 104–208 should be interpreted as if it included the amendment made by this section, if otherwise valid, are ratified and approved by Congress.

SEC. 2. Title I of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(e) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) is amended under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION—STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS'' by striking ''$23,452,000'' and inserting ''$173,452,000''.

SEC. 3. Funds available for title IV–A–1 of the Elementary and Secondary Education act in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies, Appopriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(e) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) under the heading ''SCHOOL IMPROVEMENT PROGRAMS'' shall also be available for title IV–A–2 of the Elementary and Secondary Education Act: *Provided,* That, of the funds under these headings in that Act available July 1, 1997, through September 30, 1998, $25,000,000 shall instead be available October 1, 1996, through September 30, 1997.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LIVINGSTON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 25) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 25

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees:

Committee on Science: Mr. Sensenbrenner, Chairman.

Committee on Small Business: Mr. Talent, Chairman.

Committee on Veterans' Affairs: Mr. Stump, Chairman.

The resolution was agreed to. A motion to reconsider was laid on the table.

APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1(a)), the Chair appoints Jeff Trandahl of Virginia to act as and to exercise temporarily the duties of Chief Administrative Officer of the House of Representatives.

Mr. Trandahl appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 1997.

Hon. Newt Gingrich,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 105th Congress or until modified by me.

Sincerely yours,

ROBIN H. CARLE,
Clerk.

APPOINTMENT AS TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 1, 105th Congress, the Chair appoints as tellers on the part of the House to count the electoral votes the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement.

The Chair desires to defer unanimous-consent requests and 1-minute speeches until after the formal ceremony of the day, which is the counting of electoral votes for President and Vice President.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 12:55.

Accordingly (at 12 o'clock and 9 minutes p.m.) the House stood in recess until approximately 12:55 p.m.

□ 1259

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 59 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 1 p.m., the Assistant Sergeant at Arms, George Awkward, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, are meeting in joint session for the purpose of opening the certificates and ascertaining and counting the

votes of the electors of the several States for President and Vice President.

Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their places at the Clerk's desk.

The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

The tellers, Mr. WARNER and Mr. FORD on the part of the Senate, and Mr. THOMAS and Mr. GEJDENSON on the part of the House, took their places at the desk.

Senator WARNER (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Bob Dole of the State of Kansas received 9 votes for President, and Jack Kemp of the State of Maryland received 9 votes for Vice President.

The VICE PRESIDENT. If there is no objection, the Chair will omit in the further procedure the formal statement just made, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the votes of the electors in each State; and the tellers will then read, count and announce the result in each State as was done with respect to the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

□ 1315

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of the results:

Joint Session to Count Electoral Votes, Thursday, Jan. 9, 1997

	Amount	Winner
Alabama	9	Dole/Kemp
Alaska	3	Dole/Kemp
Arizona	8	Clinton/Gore
Arkansas	6	Clinton/Gore
California	54	Clinton/Gore
Colorado	8	Dole/Kemp
Connecticut	8	Clinton/Gore
Delaware	3	Clinton/Gore
District of Columbia	3	Clinton/Gore
Florida	25	Clinton/Gore

Joint Session to Count Electoral Votes, Thursday, Jan. 9, 1997—Continued

	Amount	Winner
Georgia	13	Dole/Kemp
Hawaii	4	Clinton/Gore
Idaho	4	Dole/Kemp
Illinois	22	Clinton/Gore
Indiana	12	Dole/Kemp
Iowa	7	Clinton/Gore
Kansas	6	Dole/Kemp
Kentucky	8	Clinton/Gore
Louisiana	9	Clinton/Gore
Maine	4	Clinton/Gore
Maryland	10	Clinton/Gore
Massachusetts	12	Clinton/Gore
Michigan	18	Clinton/Gore
Minnesota	10	Clinton/Gore
Mississippi	7	Dole/Kemp
Missouri	11	Clinton/Gore
Montana	3	Dole/Kemp
Nebraska	5	Dole/Kemp
Nevada	4	Clinton/Gore
New Hampshire	4	Clinton/Gore
New Jersey	15	Clinton/Gore
New Mexico	5	Clinton/Gore
New York	33	Clinton/Gore
North Carolina	14	Dole/Kemp
North Dakota	3	Dole/Kemp
Ohio	21	Clinton/Gore
Oklahoma	8	Dole/Kemp
Oregon	7	Clinton/Gore
Pennsylvania	23	Clinton/Gore
Rhode Island	4	Clinton/Gore
South Carolina	8	Dole/Kemp
South Dakota	3	Dole/Kemp
Tennessee	11	Clinton/Gore
Texas	32	Dole/Kemp
Utah	5	Dole/Kemp
Vermont	3	Clinton/Gore
Virginia	13	Dole/Kemp
Washington	11	Clinton/Gore
West Virginia	5	Clinton/Gore
Wisconsin	11	Clinton/Gore
Wyoming	3	Dole/Kemp
Total	538	
Clinton/Gore	379	
Dole/Kemp	159	

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United States is 538, of which a majority is 270.

Bill Clinton, of the State of Arkansas, has received for President of the United States 379 votes.

Bob Dole, of the State of Kansas, has received 159 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

AL GORE, of the State of Tennessee, has received for Vice President of the United States 379 votes.

Jack Kemp, of the State of Maryland, has received 159 votes.

This announcement shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January 1997, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Members of the Congress, the purpose for which the joint session of the two Houses of Congress has been called having been accomplished, pursuant to Senate Concurrent Resolution 1, 105th Congress, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 24 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1328

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 105th Congress, the Chair directs that the electoral vote will be spread at large upon the Journal.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the House will stand in recess until 1:45 p.m.

Accordingly (at 1 o'clock and 28 minutes p.m.) the House stood in recess until 1:45 p.m.

□ 1345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore. [Mr. LIVINGSTON]) at 1 o'clock and 45 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER A RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MILLER of California. Pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of privileges of the House. The form of the resolution is as follows:

> Be it resolved that the Select Committee on Ethics should complete its final report concerning Representative NEWT GINGRICH, and release that report to the public, before the House of Representatives considers a disciplinary resolution concerning the matter.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days its being properly noticed. That designation will be announced at a later time. In the meantime, the form of the resolution noticed by the gentleman from California [Mr. MILLER] will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated for the consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER A RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MILLER of California. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Be it resolved that the Select Committee on Ethics should, when it releases its final report concerning Representative NEWT GINGRICH, disclose to the public all documents concerning the matter, including but not limited to the work of the special counsel.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days its being properly noticed. That designation will be announced at a later time. In the meantime, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for the consideration of the resolution.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

[Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

BIPARTISAN SUPPORT ESSENTIAL FOR COMPREHENSIVE EDUCATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee is recognized for 5 minutes.

Mr. FORD. Mr. Speaker, today, January 9, is a monumental day for postsecondary education. Just a few hours ago President Clinton announced that the college loan default rate has fallen to a 7-year low which translates into lower interest rates and more loans for young people. From a high of 22.4 percent in 1990 the default rate has dropped to approximately 10½ percent, and I applaud the Clinton administration for its efforts to improve the collection of defaulted loans and to prevent loans from falling into default status.

The Department of Education has done a sensational job in counseling students about their loan responsibilities and helping to create more flexible payment options for young people. A spokesman for the American Council on Education, an association representing colleges and universities, stated, ''This administration has tightened up on weaknesses in the system, and defaults are down.''

I agree, Mr. Speaker, with my colleagues who suggest we need to reform our educational system. However, I disagree with those who call for the abolition of the Department of Education. To the contrary, we need to expand the role of the Federal Government with respect to education and educational funding.

Recently, the Department of Education released Pursuing Excellence: A Study of Eighth Grade Mathematics and Science Teaching, Learning, Curriculum and Achievement in International Context. The results were not surprising. Although the United States is making progress compared to our major economic and political allies, Mr. Speaker, we must do much more. We must and can do so much for our children.

Instead of focusing entirely on punishing and sentencing young people, we should be searching for ways to challenge and propel people into the 21st century equipped with the tools to keep America competitive and make these young people viable holders of jobs in the marketplace.

As a new Member of Congress I intend to reach out to all of my colleagues on both sides of the aisle, particularly those in my own class. I was heartened yesterday, Mr. Speaker, by an encounter that I had with my new friend, the gentlewoman from Texas [Ms. GRANGER]. Strong bipartisan support is essential for any dynamic and comprehensive educational reform package to gain the support of the American people.

The investment in America that will generate the largest yield is an investment in America's potential. That is the education of our youth. As I stated earlier, this investment effort must be driven by bipartisanship and common sense rather than partisan ideology which lacks both a vision and a mandate.

I was pleased to see the Speaker both contrite and repentant in his view of the work facing the 105th Congress. The circumstances surrounding his election and the will of the American people necessitate our building together for the best interests, working together for the best interests of the future of America.

TAKING AIM AT OUR NATION'S PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I just want to take this opportunity to rise and follow up on our wonderful celebration on Tuesday of this week when the new Congress, the 105th Congress in our country's history, was sworn in and to remind my colleagues that amidst our welcome celebration it is good to harken back to the words of Winston Churchill, who said in 1942, ''The problems of victory are more agreeable than those of defeat, but they are no less difficult.''

With that in mind, I am anxious to work with my like minded colleagues on both sides of the political aisle to serve our constituents, who elected us to solve the many problems facing our country today, and make no doubt about it, those problems are real and they are severe.

Bill Bennett, a man that I very much respect, former Education Secretary and Drug Czar, was quoted the other day as saying the following: ''America is the most powerful, affluent and envied nation in the world, but America also leads the industrialized world in rates of murder, violent crime, juvenile crime, imprisonment, abortion, divorce and single-parent families, the production and consumption of pornography, the production and consumption of drugs, and that is just a partial list.''

So, Mr. Speaker, I would submit that the lasting lesson of this election, the lasting lesson of politics in America has little to do with the big winners and losers on election day. The real moral of the story, the real moral of this election is simply this. Our faith in our politics cannot be separated as we look at the issues and as we address the problems facing the American people. Whether it be crime in the streets, skyrocketing teen drug use, problems in education, a tax system that bankrupts the family, the crisis of illegitimacy and so forth, an individual's position on these topics is greatly influenced by one's moral and religious perspective.

In fact, as the Speaker suggested in his remarks to the Congress 2 days ago, religion is the single most important factor in determining how we vote. It is more influential than gender, race, or income. Still there are some who want to take morality and religion out of politics altogether. They want our leaders to conduct their business while keeping religious and moral convictions outside of the political debate. After all they would argue you cannot legislate morality.

In truth, however, the only thing that can be legislated is morality, for every legislative act is a moral judgment. Abraham Lincoln understood this clearly when in 1860 our country faced a similar cultural crisis. His opponents and even some of his political advisers told him then not to bring morality into politics or politics into religion, but he saw through their empty arguments and recognized slavery for what it was, a moral crisis that demanded a political response. Lincoln was a true statesman. He understood the moral of the story.

So, Mr. Speaker, I believe that we can work together to make government more efficient, more accountable and less intrusive, that working together we can make the problems of victory our greatest opportunity.

□ 1347

MILITARY WIDOWS MISLED AND MISTREATED

The SPEAKER pro tempore (Mr. LIVINGSTON). Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, the widows of our Nation's veterans are being misled and mistreated, misled and mistreated by our own Government.

Although I introduced legislation 2 years ago to terminate the confusing system that discriminates against surviving military spouses when they reach the age of 62, no action was taken on the bill, and the problem continues. I know you find it hard to believe, Mr. Speaker, that our Government condones a system that penalizes aging widows. I know I was shocked when the situation was first described to me.

Let me share with the Members a sad story that is typical of the thousands of these cases. When a resident of my congressional district retired after many years of honorable military service, he elected to have a portion of his monthly retirement pay set aside under the military survivors benefits plan, so-called SBP, so that when he died his wife would have an income she could count on. He knew the enormous sacrifices she had made in order to maintain a home for their family during his military career, often in parts of the world not nearly as lovely as my town of San Diego. He understood and appreciated that his wife had served their country as surely as he had.

He did not, however, understand that following his too early untimely death, the SBP would provide his wife with the financial cushion she needed, but only until her 62d birthday. On the day she became 62 her SBP benefit, which had been 55 percent of her husband's retired pay, was automatically, automatically reduced to 35 percent of the retirement income. She received no warning that her check would be slashed on her 62d birthday. She received no explanation.

When she was finally able to locate someone who could tell her why she was facing this crisis, she was given the following explanation: Your survivor benefits have been reduced because when you became 62, you also became eligible to receive Social Security. Puzzled, she pointed out that her Social Security payment, such as it was, was based on her own work. It had nothing to do with the survivor benefit plan her husband had paid into. Too bad, she was told. That is the law.

Well, we have to change the law. The SBP plan is very complicated. The benefit for one group of survivors is reduced by the amount of the military retiree's Social Security when the widow reaches age 62, regardless of when she actually begins to draw Social Security benefits. Under the newer SBP plan which covers the widow in my congressional district, the benefit is automatically reduced at age 62 from 55 percent to 35 percent of the military retiree's retired pay. Even people with substantial incomes would have a tough time with a reduction of more than one-third of their retirement benefit.

Mr. Speaker, it is time to change this misleading and unfair law. Too often it causes enormous financial hardship for the affected survivors. We Americans do not treat our aging citizens, some of the most vulnerable members of our American family, with such disdain.

Two days ago, on the first day of the 105th Congress, I introduced H.R. 165, the Military Survivors Equity Act of 1997. This bill would fix the problem by simply eliminating the callous and absurd reduction in benefits that now burdens our military widows. Instead, they would get what they and their deceased spouses thought they would get: 55 percent of the military retiree pay. To put it simply, no offset; a simple solution to a difficult problem, an equitable solution to a mean-spirited practice.

I hope I do not have to raise this issue with my colleagues a year from now, and say again that our Government is still misleading and mistreating military survivors. Let us correct this disgraceful situation and enact H.R. 165 in 1997.

MEMBERS OF CONGRESS PUT IN THE POSITION OF ALICE IN WONDERLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this week this Congress and the Nation watched as the Republican leadership and the Speaker of this House bargained with, negotiated with, and twisted the arms of the members of the Republican caucus to support the Speaker to be reelected as Speaker of this House for the 105th Congress. That was done because the effort was made to be sure that we would vote on the Speaker of the House of Representatives before the Ethics Committee had completed its work.

That was unconscionable, Mr. Speaker, that we would in fact do that. But now this morning we learn that the Ethics Committee is continuing in that path, because we see now that the schedule of the Ethics Committee that has been set forth by the chairperson of that committee requires that the House will vote on whatever recommended punishment the committee will make to the House, that the House will vote on that prior to the issuance of the final report of the Ethics Committee.

What does this mean? It means that both the Members of the House of Representatives and our constituents will be denied the access to the information necessary on which to make an informed judgment, very similar to the situation that those who supported the candidacy of Speaker GINGRICH earlier this week were put in, in having to vote for him for Speaker before they knew whether or not he was ethically fit to be the Speaker of the House of Representatives.

What is becoming very clear is that the continued orchestration of the Ethics Committee by the Republican leadership to try and dampen the flow of information to the Members of Congress and to the members of the public continues. This committee should be allowed to function independently, and this committee should be allowed to function without a debt to the leadership of this House.

We have hired a special counsel to seek that independence. That special counsel should be allowed to do his work. That special counsel should be allowed to present the evidence, and that special counsel should be allowed to write the final report of this committee prior to the Congress voting, voting on any recommended punishment brought forth by the committee.

But it is also very clear that it is now the intent, it is now the intent of the Ethics Committee to keep that from happening. So once again, we are put in the position of Alice in Wonderland, where once again we will render a verdict first and later we will look at the facts and we will look at the evidence.

I think it is very, very improper that the Members of the House of Representatives be put in this position by the Ethics Committee. I believe, as the House turned down the bipartisan recommendation of the ethics investigative subcommittee and of the special counsel in not allowing them additional time to prepare their work product, it was for the first time, I believe, in the history of the Congress where we turned down a recommendation of a special counsel, a person that is supposed to bring independence to this, on their recommendation that they needed additional time to complete their work product in a proper fashion for a presentation to the committee and to the Congress.

So we now see a series of votes being forced upon the House of Representatives, the sole purpose of which is to deny access to information by the very people that will have to vote on the recommendations of the Ethics Committee. The Members of the House, on a bipartisan basis, should reject that notion. We should not go forward with a vote prior to the issuance of the final report of the special counsel.

Then the Members can go home and say to their constituents, however they decided to vote, that they in fact had a full opportunity to examine the entire

record and to take counsel with themselves and their sense of propriety about the actions and the ethics of the Speaker of the House of Representatives, and then they cast their vote, rather than to be able to say to their constituents, well, I voted, and then I was able to read the report.

There is nobody in America that believes that that is the way that we should conduct the public's business. The public's business should be conducted openly and it should be conducted in a forthright fashion. What we are witnessing over the past several days is an effort to shut down both the ability of the press, the ability of the public, and the ability of the Members of Congress to have access to that information to make an informed judgment on behalf of the Congress and on behalf of our constituents.

THE ETHICS CASE PENDING AGAINST SPEAKER GINGRICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, the gentleman from California just finished talking about the ethics case that is currently pending against the Speaker of the House.

Over a week ago, in a bipartisan fashion, the members of the Ethics Committee, five Democrats and five Republicans, came to an agreement that this case would be completed on or before January 21st of this year and that the case would be brought to the floor of the House before then. That was an agreement made by the 10 members of the Ethics Committee. I think what happened earlier this week when the House reorganized itself is that we confirmed that agreement.

Subsequent to then, members of half of the committee, the Democrat side, have decided that they need more time. We believe that that agreement should in fact be kept. Further, the committee agreed yesterday that for the first time in the history of the Congress, that there would be an open hearing on an ethics case, primarily because the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], agreed to do that. So next week there will be up to 5 days of open hearings for the American people to watch on C-Span, other media outlets, to see the facts.

The Ethics Committee here in the Congress, in the process that they follow, is really bifurcated. Over the last 6 months there has been a subcommittee of the Ethics Committee look at the Gingrich case, two Democrats and two Republicans. The Speaker has voluntarily turned over over 50,000 pages of information to the committee. This subcommittee has done its work in a bipartisan fashion. It is the subcommittee that is going to now report to the full committee its findings. They have issued a preliminary report outlining their findings to the Members and to the full Ethics Committee. So next week there will be ample opportunity for all of the Members and the American people to understand the facts about the case if they need to know any more than what they have already heard.

I think that by January 21 the House will be in a position to make a decision on how to proceed from there.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES 105TH CONGRESS

The SPEAKER pro tempore (Mr. LIVINGSTON). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 2(a)(3) of rule XI of the rules of the House, and rule 1(d) of the rules of the Committee on Rules, the following are the rules of the Committee on Rules for the 105th Congress, adopted at its organizational meeting on January 8, 1997:

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

RULE 1.—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as 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 non-debatable motions of high privilege in the Committee. 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, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2.—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for regular meetings

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of

(A) the bill or resolution,

(B) any committee reports thereon, and

(C) any letter requesting a rule of the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question;

and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

Emergency meeting

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party members of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3.—MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of the House rule XI (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) 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, 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)), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of

the Committee is actually present for such purpose.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any rollcall vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form 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.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the rules of the House shall apply to any investigative hearing conducted by the Committee.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee 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.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4.—GENERAL OVERSIGHT AND INVESTIGATIVE RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5.—SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6.—STAFF

In general

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 6 of rule XI of the Rules of the House.

Associate staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House rule XI.

Subcommittee staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 5(d) of House rule XI, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7.—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

Pay of witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of rule XXXV of the rules of the House.

RULE 8.—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be 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. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Achieves and Records Administration shall be made available for public use in accordance with rule XXXVI of the rules of the House of Representatives. The Chair 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 written request of any member of the Committee.

Committee publications on the internet

(c) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Calendars

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9.—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

CORRECTION OF CONGRESSIONAL RECORD OF JANUARY 7, 1997, PAGES H–29—H–31

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 12

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees:

Committee on Agriculture: Mr. Smith of Oregon, Chairman; Mr. Combest; Mr. Barrett of Nebraska; Mr. Boehner; Mr. Ewing; Mr. Doolittle; Mr. Goodlatte; Mr. Pombo; Mr. Canady; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas; Mr. Lewis of Kentucky; Mrs. Chenoweth; Mr. Hostettler; Mr. Bryant; Mr. Foley; Mr. Chambliss; Mr. LaHood; Mrs. Emerson; Mr. Moran of Kansas; Mr. Blunt; Mr. Pickering; Mr. Bob Schaffer of Colorado; Mr. Thune; Mr. Jenkins; and Mr. Cooksey.

Committee on Appropriations: Mr. Livingston, Chairman; Mr. McDade; Mr. Young of Florida; Mr. Regula; Mr. Lewis of California; Mr. Porter; Mr. Rogers; Mr. Skeen; Mr. Wolf; Mr. DeLay; Mr. Kolbe; Mr. Packard; Mr. Callahan; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Miller of Florida; Mr. Dickey; Mr. Kingston; Mr. Parker; Mr. Frelinghuysen; Mr. Wicker; Mr. Forbes; Mr. Nethercutt; Mr. Neumann; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; and Mr. Aderholt.

Committee on Banking and Financial Services: Mr. Leach, Chairman; Mr. McCollum; Mrs. Roukema; Mr. Bereuter; Mr. Baker; Mr. Lazio; Mr. Bachus; Mr. Castle; Mr. King; Mr. Campbell; Mr. Royce; Mr. Lucas; Mr. Metcalf; Mr. Ney; Mr. Ehrlich; Mr. Barr of Georgia; Mr. Fox; Mr. LoBiondo; Mr. Watts of Oklahoma; Mrs. Kelly; Mr. Paul; Mr. Weldon of Florida; Mr. Ryun; Mr. Cook; Mr. Snowbarger; Mr. Riley; Mr. Hill; and Mr. Sessions.

Committee on the Budget: Mr. Kasich, Chairman; Mr. Hobson; Mr. Shays; Mr. Herger; Mr. Bunning; Mr. Smith of Texas; Mr. Miller of Florida; Mr. Franks of New Jersey; Mr. Smith of Michigan; Mr. Inglis of South Carolina; Ms. Molinari; Mr. Nussle; Mr. Hoekstra; Mr. Shadegg; Mr. Radanovich; Mr. Bass; Mr. Neumann; Mr. Parker; Mr. Ehrlich; Mr. Gutknecht; Mr. Hilleary; Ms. Granger; Mr. Sununu; and Mr. Pitts.

Committee on Commerce: Mr. Bliley, Chairman; Mr. Tauzin; Mr. Oxley; Mr. Bilirakis; Mr. Dan Schaefer of Colorado; Mr. Barton of Texas; Mr. Hastert; Mr. Upton; Mr. Stearns; Mr. Paxon; Mr. Gillmor; Mr. Klug; Mr. Greenwood; Mr. Crapo; Mr. Cox; Mr. Deal of Georgia; Mr. Largent; Mr. Burr of North Carolina; Mr. Bilbray; Mr. Whitfield; Mr. Ganske; Mr. Norwood; Mr. White; Mr. Coburn; Mr. Lazio; Mrs. Cubin; Mr. Rogan; and Mr. Shimkus.

Committee on Education and the Workforce: Mr. Goodling, Chairman; Mr. Petri; Mrs. Roukema; Mr. Fawell; Mr. Ballenger; Mr. Barrett of Nebraska; Mr. Hoekstra; Mr. KcKeon; Mr. Castle; Mr. Sam Johnson of Texas; Mr. Talent; Mr. Greenwood; Mr. Knollenberg; Mr. Riggs; Mr. Graham; Mr. Souder; Mr. McIntosh; Mr. Norwood; Mr. Paul; Mr. Peterson of Pennsylvania; and Mr. Bob Schaffer of Colorado.

Committee on Government Reform and Oversight: Mr. Burton of Indiana, Chairman; Mr. Gilman; Mr. Hastert; Mrs. Morella; Mr. Shays; Mr. Schiff; Mr. Cox; Ms. Ros-Lehtinen; Mr. McHugh; Mr. Horn; Mr. Mica; Mr. Davis; Mr. McIntosh; Mr. Souder; Mr. Scarborough; Mr. Shadegg; Mr. LaTourette; Mr. Sanford; Mr. Ehrlich; Mr. Sununu; Mr. Sessions; Mr. Pappas; Mr. Brady; and Mr. Snowbarger.

Committee on House Oversight: Mr. Thomas, Chairman; Mr. Boehner; Mr. Ehlers; Mr. Ney; and Ms. Granger.

Committee on International Relations: Mr. Gilman, Chairman; Mr. Goodling; Mr. Leach; Mr. Hyde; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Manzullo; Mr. Royce; Mr. King; Mr. Kim; Mr. Chabot; Mr. Sanford; Mr. Salmon; Mr. Houghton; Mr. Campbell; Mr. Fox; Mr. McHugh; Mr. Graham; Mr. Blunt; and Mr. Moran of Kansas.

Committee on the Judiciary: Mr. Hyde, Chairman; Mr. Sensenbrenner; Mr. McCollum; Mr. Gekas; Mr. Coble; Mr. Smith of Texas; Mr. Schiff; Mr. Gallegly; Mr. Canady; Mr. Inglis of South Carolina; Mr. Goodlatte; Mr. Buyer; Mr. Bono; Mr. Bryant; Mr. Chabot; Mr. Barr of Georgia; Mr. Jenkins; Mr. Hutchinson; Mr. Pease; and Mr. Cannon.

Committee on National Security: Mr. Spence, Chairman; Mr. Stump; Mr. Hunter; Mr. Kasich; Mr. Bateman; Mr. Hansen; Mr. Weldon of Pennsylvania; Mr. Hefley; Mr. Saxton; Mr. Buyer; Mrs. Fowler; Mr. McHugh; Mr. Talent; Mr. Everett; Mr. Bartlett of Maryland; Mr. McKeon; Mr. Lewis of Kentucky; Mr. Watts of Oklahoma; Mr. Thornberry; Mr. Hostettler; Mr. Chambliss; Mr. Hilleary; Mr. Scarborough; Mr. Jones; Mr. Graham; Mr. Bono; Mr. Ryun; Mr. Pappas; Mr. Riley; and Mr. Gibbons.

Committee on Resources: Mr. Young of Alaska, Chairman; Mr. Tauzin; Mr. Hansen; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Doolittle; Mr. Gilchrest; Mr. Calvert; Mr. Pombo; Mrs. Cubin; Mrs. Chenoweth; Mrs. Smith of Washington; Mr. Radanovich; Mr. Jones; Mr. Thornberry; Mr. Shadegg; Mr. Ensign; Mr. Smith of Oregon; Mr. Cannon; Mr. Brady; Mr. Peterson of Pennsylvania; Mr. Hill; Mr. Bob Schaffer of Colorado; and Mr. Gibbons.

Committee on Rules: Mr. Solomon, Chairman; Mr. Dreier; Mr. Goss; Mr. Linder; Ms. Pryce; Mr. Diaz-Balart; Mr. McInnis; Mr. Hastings; and Mrs. Myrick.

Committee on Transportation and Infrastructure: Mr. Shuster, Chairman; Mr. Young of Alaska; Mr. Petri; Mr. Boehlert; Mr. Bateman; Mr. Coble; Mr. Duncan; Ms. Molinari; Mr. Ewing; Mr. Gilchrest; Mr. Kim; Mr. Horn; Mr. Franks of New Jersey; Mr. Mica; Mr. Quinn; Mrs. Fowler; Mr. Ehlers; Mr. Bachus; Mr. LaTourette; Mrs. Kelly; Mr. LaHood; Mr. Baker; Mr. Riggs; Mr. Bass; Mr. Ney; Mr. Metcalf; Mrs. Emerson; Mr. Pease; Mr. Blunt; Mr. Pitts; Mr. Hutchinson; Mr. Cook; Mr. Cooksey; Mr. Thune; Mr. Pickering; and Ms. Granger.

Committee on Ways and Means: Mr. Archer, Chairman; Mr. Crane; Mr. Thomas; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Bunning; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins; Mr. Portman; Mr. English of Pennsylvania; Mr. Ensign; Mr. Christensen; Mr. Watkins; Mr. Hayworth; Mr. Weller; and Mr. Hulshof.

Committee on Standards of Official Conduct: Mr. Hansen, Chairman.

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 13) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE

Charles Stenholm, Texas; George Brown, Jr., California; Gary Condit, California; Collin Peterson, Minnesota; Calvin Dooley, California; Eva Clayton, North Carolina; David Minge, Minnesota; Earl Hilliard, Alabama; Earl Pomeroy, North Dakota; Tim Holden, Pennsylvania; Scotty Baesler, Kentucky; Sanford Bishop, Jr., Georgia; Bennie Thompson, Mississippi; Sam Farr, California; John Baldacci, Maine; Marion Berry, Arkansas; Virgil Goode, Virginia; Mike McIntyre, North Carolina; Debbie Stabenow, Michigan; Bobby Etheridge, North Carolina; Chris John, Louisiana.

COMMITTEE ON APPROPRIATIONS

David Obey, Wisconsin; Sidney Yates, Illinois; Louis Stokes, Ohio; John Murtha, Pennsylvania; Norm Dicks, Washington; Martin Sabo, Minnesota; Julian Dixon, California; Vic Fazio, California; Bill Hefner, North Carolina; Steny Hoyer, Maryland; Alan Mollohan, West Virginia; Marcy Kaptur, Ohio; David Skaggs, Colorado; Nancy Pelosi, California; Peter Visclosky, Indiana; Thomas Foglietta, Pennsylvania; Esteban Torres, California; Nita Lowey, New York; Jose Serrano, New York; Rosa DeLauro, Connecticut; James Moran, Virginia; John Olver, Massachusetts; Ed Pastor, Arizona; Carrie Meek, Florida; David Price, North Carolina; Chet Edwards, Texas.

COMMITTEE ON BANKING AND FINANCIAL SERVICES

Henry Gonzalez, Texas; John LaFalce, New York; Bruce Vento, Minnesota; Charles Schumer, New York; Barney Frank, Massachusetts; Paul Kanjorski, Pennsylvania; Joseph Kennedy, Massachusetts; Floyd Flake, New York; Maxine Waters, California; Carolyn Maloney, New York; Luis Gutierrez, New York; Lucille Roybal-Allard, California; Thomas Barrett, Wisconsin; Nydia Velazquez, New York; Melvin Watt, North Carolina; Maurice Hinchey, New York; Gary Ackerman, New York; Ken Bentsen, Texas; Jesse Jackson, Illinois; Cynthia McKinney, Georgia; Carolyn Kilpatrick, Michigan; Jim Maloney, Connecticut; Darlene Hooley, Oregon; Julia Carson, Indiana (When Sworn).

COMMITTEE ON THE BUDGET

John Spratt, South Carolina; Louise Slaughter, New York; Alan Mollohan, West Virginia; Jerry Costello, Illinois; Patsy Mink, Hawaii; Earl Pomeroy, North Dakota; Lynn Woolsey, California; Lucille Roybal-Allard, California; Lynn Rivers, Michigan; Lloyd Doggett, Texas; Bennie Thompson, Mississippi; Ben Cardin, Maryland; Scotty Baesler, Kentucky; David Minge, Minnesota; Ken Bentsen, Texas; Jim Davis, Florida; Brad Sherman, California; Robert Weygand, Rhode Island.

COMMITTEE ON COMMERCE

John Dingell, Michigan; Henry Waxman, California; Edward Markey, Massachusetts; Ralph Hall, Texas; Bill Richardson, New Mexico; Rick Boucher, Virginia; Thomas Manton, New York; Edolphus Towns, New York; Sherrod Brown, Ohio; Bart Gordon, Tennessee; Elizabeth Furse, Oregon; Peter Deutsch, Florida; Bobby Rush, Illinois; Anna Eshoo, California; Ron Klink, Pennsylvania; Bart Stupak, Michigan; Eliot Engel, New York; Albert Wynn, Maryland; Gene Green, Texas; Karen McCarthy, Missouri; Ted Strickland, Ohio; Diana DeGette, Colorado; Tom Sawyer, Ohio.

COMMITTEE ON EDUCATION AND THE WORKFORCE

William Clay, Missouri; George Miller, California; Dale Kildee, Michigan; Matthew Martinez, California; Major Owens, New York; Donald Payne, New Jersey; Patsy Mink, Hawaii; Robert Andrews, New Jersey; Tim Roemer, Indiana; Robert Scott, Virginia; Lynn Woolsey, California; Carlos Romero-Barceló, Puerto Rico; Chaka Fattah, Pennsylvania; Earl Blumenauer, Oregon; Ruben Hinojosa, Texas; Carolyn McCarthy, New York; John Tierney, Massachusetts; Ron Kind, Wisconsin; Loretta Sanchez, California; and Harold Ford, Jr., Tennessee.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Henry Waxman, California; Tom Lantos, California; Robert Wise, West Virginia; Major Owens, New York; Edolphus Towns, New York; Paul Kanjorski, Pennsylvania; Gary Condit, California; Collin Peterson, Minnesota; Carolyn Maloney, New York; Thomas Barrett, Wisconsin; Eleanor Holmes-Norton, District of Columbia; Chaka Fattah, Pennsylvania; Tim Holden, Pennsylvania; Elijah Cummings, Maryland; Dennis Kucinich, Ohio; and Rod Blagojevich, Illinois.

COMMITTEE ON HOUSE OVERSIGHT

Sam Gejdenson, Connecticut.

COMMITTEE ON INTERNATIONAL RELATIONS

Lee Hamilton, Indiana; Sam Gejdenson, Connecticut; Tom Lantos, California; Howard Berman, California; Gary Ackerman, New York; Eni Faleomavaega, American Samoa; Matthew Martinez, California; Donald Payne, New Jersey; Robert Andrews, New Jersey; Robert Menendez, New Jersey; Sherrod Brown, Ohio; Cynthia McKinney, Georgia; Alcee Hastings, Florida; Pat Danner, Missouri; Earl Hilliard, Alabama; Walter Capps, California; Brad Sherman, California; Robert Wexler, Florida; Dennis Kucinich, Ohio; Steve Rothman, New Jersey.

COMMITTEE ON THE JUDICIARY

John Conyers, Michigan; Barney Frank, Massachusetts; Charles Schumer, New York; Howard Berman, California; Rick Boucher, Virginia; Jerrold Nadler, New York; Robert Scott, Virginia; Melvin Watt, North Carolina; Zoe Lofgren, California; Sheila Jackson-Lee, Texas; Maxine Waters, California; Marty Meehan, Massachusetts; William DeLahunt, Massachusetts; Robert Wexler, Florida; Steve Rothman, New Jersey.

COMMITTEE ON NATIONAL SECURITY

Ronald Dellums, California; Ike Skelton, Missouri; Norman Sisisky, Virginia; John Spratt, North Carolina; Solomon Ortiz, Texas; Owen Pickett, Virginia; Lane Evans, Illinois; Gene Taylor, Mississippi; Neil Abercrombie, Hawaii; Frank Tejeda, Texas (When Sworn); Martin Meehan, Massachusetts; Robert Underwood, Guam; Jane Harman, California; Paul McHale, Pennsylvania; Patrick Kennedy, Road Island; Rod Blagojevich, Illinois; Sylvester Reyes, Texas; Tom Allen,

Maine; Vic Snyder, Arkansas; Jim Turner, Texas; Allen Boyd, Florida; Adam Smith, Washington.

COMMITTEE ON RESOURCES

George Miller, California; Edward Markey, Massachusetts; Nick Rahall, West Virginia; Bruce Vento, Minnesota; Dale Kildee, Michigan; Sam Gejdenson, Connecticut; Bill Richardson, New Mexico; Peter DeFazio, Oregon; Eni Faleomavaega, American Samoa; Neil Abercrombie, Hawaii; Solomon Ortiz, Texas; Owen Pickett, Virginia; Frank Pallone, New Jersey; Calvin Dooley, California; Carlos Romero-Barcelo, Puerto Rico; Maurice Hinchey, New York; Robert Underwood, Guam; Sam Farr, California; Patrick Kennedy, Rhode Island; Adam Smith, Washington; William Delahunt, Massachusetts; Chris John, Louisiana; Donna Green, Virgin Islands.

COMMITTEE ON RULES

John Joseph Moakley, Massachusetts; Martin Frost, Texas; Tony P. Hall, Ohio; Louise Slaughter, New York.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

James Oberstar, Minnesota; Nick Rahall, West Virginia; Robert Borski, Pennsylvania; William Lipinski, Illinois; Robert Wise, West Virginia, James Traficant, Ohio; Peter DeFazio, Oregon; Bob Clement, Tennessee; Jerry Costello, Illinois; Glenn Poshard, Illinois; Bud Cramer, Jr., Alabama; Eleanor Holmes-Norton, District of Columbia; Jerrold Nadler, New York; Pat Danner, Missouri; Robert Menendez, New Jersey; James Clyburn, South Carolina; Corrine Brown, Florida; James Barcia, Michigan; Bob Filner, California; Eddie Bernice-Johnson, Texas; Frank Mascara, Pennsylvania; Gene Taylor, Mississippi; Juanita Millender-McDonald, California; Elijah Cummings, Maryland; Max Sandlin, Texas; Ellen Tauscher, California; Bill Pascrell, New Jersey; Jay Johnson, Wisconsin; Leonard Boswell, Iowa; Jim McGovern, Massachusetts.

COMMITTEE ON WAYS AND MEANS

Charles Rangel, New York; Pete Stark, California; Robert Matsui, California; Barbara Kennelly, Connecticut; William Coyne, Pennsylvania; Sander Levin, Michigan; Benjamin Cardin, Maryland; Jim McDermott, Washington; Gerald Kleczka, Wisconsin; John Lewis, Georgia; Richard Neal, Massachusetts; Michael McNulty, New York; William Jefferson, Louisiana; John Tanner, Tennessee; Xavier Becerra, California; Karen Thurman, Florida.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid upon the table.

CORRECTION TO THE CONGRESSIONAL RECORD OF JANUARY 7, 1997, PAGES H–71—H–74

PROCEEDINGS OF THE HOUSE AFTER SINE DIE ADJOURNMENT OF THE 104TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 104TH CONGRESS

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of section 3(b)(1)(B) of Public Law 104–169, and section 7 of House Resolution 546, 104th Congress, authorizing the Speaker and the minority leader to appoint commissions, boards, and committees authorized by law or by the House, the Speaker on October 28, 1996, appointed the following members to the National Gambling Impact and Policy Commission on the part of the House: Ms. Kay Coles James, Virginia; and Mr. J. Terrence Lanni, Nevada.

ENROLLED BILL SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed on October 23, 1996, by the Speaker pro tempore [Mrs. MORELLA]:

H.R. 4236. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1997.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, January 6, 1997 at 2:06 p.m.:

That the Senate failed of passage (veto message) H.R. 1833.

With warm regards,

ROBIN H. CARLE, *Clerk,*
U.S. House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Keeper of Records, Legislative Resource Center, Office of the Clerk, has been served with a subpoena for documents issued by the United States District Court for the District of Massachusetts.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

ROBIN H. CARLE.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

Mr. BROWNBACK submitted the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 26, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR NEWT: Attached please find a copy of the letter I have sent to Kansas Governor Bill Graves informing him that I am resigning from the House of Representatives effective at 12:00 p.m. central time on Wednesday, November 27th, 1996.

It has been an honor and a privilege to serve with you in the House of Representatives. We enacted reforms during the 104th Congress that has moved this country in the right direction. I look forward to continuing to work with you to balance the federal budget, reduce the size, scope, and intrusiveness of the federal government, and restore the American Dream.

Sincerely,

SAM BROWNBACK,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 25, 1996.

Gov. BILL GRAVES,
State Capitol, Topeka, KS.

DEAR GOVERNOR GRAVES: For the past two years, it has been my privilege to serve the people of Kansas' Second District as their elected Representative in the U.S. Congress. It has been an eventful tenure.

These are remarkable times, and public servants have a tremendous opportunity and responsibility for making America a better place.

There is much work to be done, and the people rightly expect that we will begin it in earnest. Toward that end, I am scheduled to be sworn in as a U.S. Senator for Kansas at 2:00 p.m. central time, Wednesday, November 27, 1996. Accordingly, I am resigning my seat in the U.S. House of Representatives effective at 12:00 p.m. central time, Wednesday, November 27, 1996.

The work of renewing America is unfinished. I see cause for great hope as I believe we are now clearly focused on those very problems which most confound us. There has never been a challenge which the American nation recognized clearly and approached resolutely which we did not overcome. We have cause for great Thanksgiving.

Sincerely,

SAM BROWNBACK.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 1996.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Ron Thornburgh, Secretary of State, State of Kansas, indicating that, according to the results of the General Election held on November 5, 1996, and pursuant to K.S.A. 25–3503(d), which states, ''In the event that any vacancy occurs . . . on or after the date of any general election of state officers and before the term of office in which the vacancy has occurred expires, votes cast for the office of congressman in the district in which such vacancy occurs shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term,'' the Honorable Jim Ryun was elected to the office of Representative in Congress, from the Second Congressional District, State of Kansas.

With warm regards,

ROBIN H. CARLE.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 1996.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Rebecca McDowell Cook, Secretary of State, State of Missouri, indicating that, according to the results of the Special Election held on November 5, 1996, the Honorable Jo Ann Emerson was elected to the office of Representative in Congress, from the Eighth Congressional District, State of Missouri.

With warm regards,

ROBIN H. CARLE.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

Mr. THORNTON submitted the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed herewith please find a copy of my letter of resignation as a Member of Congress, effective at noon on January 1, 1997 which I have tendered to the appropriate Arkansas State Authority.

Best personal regards,

RAY THORNTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 19, 1996.

Hon. SHARON PRIEST,
Secretary of State, The Capitol, Little Rock, AR.

DEAR MADAM SECRETARY: Pursuant to the results of the general election of November 5, 1996, I will be taking office as an Associate Justice of the Arkansas Supreme Court on January 1, 1997. I therefore hereby submit my resignation as Arkansas second district Representative in the United States Congress to you effective at noon on January 1, 1997. Until that time I will continue to carry out my duties as your Congressman.

Best personal regards,

RAY THORNTON.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE ANNA ESHOO AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served a subpoena issued by the United States District Court for the Eastern District of Michigan.

After consultation with the General Counsel, I will make the determination required by Rule L.

Sincerely,

CAROL D. RICHARDSON.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE BOBBY RUSH AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Municipal Court of the State of California, County of San Mateo, South San Francisco Branch.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

ANNE REAM,
Field Representative.

RESIGNATION OF LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

U.S. HOUSE OF REPRESENTATIVES
Washington, DC, September 16, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This past April, I completed 26 years of service with the House of Representatives, first as Assistant Law Revision Counsel and later as Law Revision Counsel for the Committee on the Judiciary and, since the establishment of the Office of the Law Revision Counsel in 1975, as Law Revision Counsel for the House of Representatives. Together with prior executive branch service, my total service is nearing 38 years. Accordingly, I have concluded it is time to retire. I am most grateful for having had the privilege of serving the House as Law Revision Counsel. With your approval my termination as Law Revision Counsel will become effective November 30, 1996.

Permit me to provide a brief overview of the Office of the Law Revision Counsel. Functions of the Office include the classification of new laws to the United States Code, the preparation and publication of the Code, the preparation of bills to enact titles of the Code into positive law and to repeal obsolete and superseded statutes, and the provision of advice and assistance to the Committee on the Judiciary in carrying out its functions with respect and codification.

The Office functions with a staff of 18, all of whom have been appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. All have expressed the desire for career service in the Office. This has resulted in low turnover and in a highly motivated, productive staff. My Deputy and the two Senior Counsels have accumulated 60 years of service with the Office. Accumulated service of the seven Assistant Counsels totals 74 years and that of the seven support staff 69 years.

Methods and procedures for the preparation and publication of the United States Code have been modernized. Working with the Government Printing Office, the transition from hot metal to electronic typesetting and composition for printing of the Code was implemented commencing with the 1976 main edition. A computer system was installed in the Office for use in maintaining the code database and updating it to include newly enacted laws. The system permits the text of new laws to be extracted from the bills database and efficiently incorporated into the Code database. Benefits resulting from modernization include increased productivity, virtually error-free text, timelier publication, and substantial reduction in typesetting costs. Main editions of the code were published for 1976, 1982, 1988, and 1994, and annual cumulative Supplements were published for each of the intervening years.

The Code database is also utilized for a computerized Code Research and Retrieval system for the legislative branch and for the annual production of the Code on CD–ROM. Response to the availability of the Code on CD–ROM has been exceptional, with thousands being purchased from the Superintendent of Documents at a unit cost of about $35. Commencing in January 1995, the Code and the Code classifications of new laws have been made available (utilizing the Code database) on the House Internet Law Library and on the Government Printing Office Internet access. Usage of the House Internet Law Library to access the Code is increasing significantly each month, with user totals for August in excess of 100,000. The Internet Law Library has been the subject of numerous good reviews and comments from both user groups and individual users.

As a result of bills prepared by the Office and transmitted to the Committee on the Judiciary, three titles of the Code have been enacted into positive law without substantive change and numerous obsolete and superseded laws repealed. Assistance was provided to the Committee in connection with the substantive revision and enactment into positive law of a fourth title of the Code. Bills to enact three other titles have been transmitted to the Committee and a bill relating to another title is in preparation.

What has been accomplished could not have been done without the assistance and expertise of an outstanding staff. I am truly indebted to them. The Office has enjoyed a close working relationship with the Committee on the Judiciary with regard to its consideration of bills to enact titles of the Code into positive law, for which I am most appreciative. I also gratefully acknowledge the assistance of the support offices of the House,

particularly House Information Resources and the Office of the Legislative Counsel, and of the Government Printing Office.

Respectfully yours,

EDWARD F. WILLETT, Jr.

APPOINTMENT OF ACTING LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of 2 U.S.C. 285c and section 7 of the House Resolution 546, 104th Congress, authorizing the Speaker and the minority leader to appoint commissions, boards, and committees authorized by law or by the House, the Speaker on December 21, 1996 appointed Mr. John R. Miller as acting law revision counsel for the House of Representatives.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the 2d session, 104th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On August 13, 1996:

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

On August 20, 1996:

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes;

H.R. 3139. An act to redesignate the United States Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, New York, as the ''Rose Y. Caracappa United States Post Office Building'';

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standard Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act;

H.R. 3834. An act to redesignate the Dunning Post Office in Chicago, Illinois, as the ''Roger P. McAuliffe Post Office''; and

H.R. 3870. An act to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of the agency.

On August 21, 1996:

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance and for other purposes; and

H.R. 3680. An act to amend title 18, United States Code, to carry out the international obligations of the United States, under the Geneva Conventions to provide criminal penalties for certain war crimes.

On August 22, 1996:

H.R. 3734. An act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

On September 9, 1996:

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

On September 16, 1996:

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of defense for the fiscal year ending September 30, 1997, and for other purposes.

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

On September 18, 1996:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

On September 21, 1996:

H.R. 3396. An act to define and protect the institution of marriage.

On September 22, 1996:

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

On September 23, 1996:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 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.

On September 25, 1996:

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.

On September 26, 1996:

H.R. 3666. An act 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, 1997, and for other purposes.

On September 30, 1996:

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for the fiscal year 1997;

H.R. 3610. An act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes;

H.R. 3675. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes; and

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

On October 1, 1996:

H.J. Res. 191. Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa;

H.R. 1772. An act to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex;

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law;

H.R. 2464. An act to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes;

H.R. 2512. An act to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes;

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge, to expand the Pettaquamscutt Cove National Wildlife Refuge, and for other purposes;

H.R. 2982. An act to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama;

H.R. 3120. An act to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering;

H.R. 3287. An act to direct the Secretary of the Interior to convey the Crawford National Fish Hatchery to the city of Crawford, Nebraska;

H.R. 3553. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; and

H.R. 3676. An act to amend title 18, United States Code, to clarify the intent of Congress with respect to the Federal carjacking prohibition.

On October 2, 1996:

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement;

H.R. 2504. An act to designate the Federal Building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the ''Veach-Baley Federal Complex'';

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank;

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty;

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone;

H.R. 3186. An act to designate the Federal building at 1655 Woodson Road in Overland, Missouri, as the ''Sammy L. Davis Federal Building'';

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the ''Roman L. Hruska Federal Building and United States Courthouse'';

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse''; and

H.R. 3802. An act to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes.

On October 8, 1996:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes;

H.R. 3056. An act to permit a county-operated health insuring organization to qualify

as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

On October 9, 1996:

H.R. 657. An act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas;

H.R. 680. An act to extend the time for construction of certain FERC licensed hydro projects;

H.R. 1011. An act to extend deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio;

H.R. 1014. An act to authorize extension of time limitation for a FERC-issued hydroelectric license;

H.R. 1031. An act for the relief of Oscar Salas-Velazquez;

H.R. 1290. An act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes;

H.R. 1335. An act to provide for the extension of a hydroelectric project located in the State of West Virginia;

H.R. 1366. An act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project;

H.R. 1791. An act to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services;

H.R. 2501. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes;

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes;

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes;

H.R. 2630. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois;

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes;

H.R. 2695. An act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania;

H.R. 2700. An act to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the ''Amos F. Longoria Post Office Building'';

H.R. 2773. An act to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes;

H.R. 2816. An act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes;

H.R. 2869. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky;

H.R. 2967. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes;

H.R. 2988. An act to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules;

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act;

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes;

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes;

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes;

H.R. 3546. An act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina, and for other purposes;

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes;

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations;

H.R. 3877. An act to designate the United States Post Office building located at 351 West Washington Street in Camden, Arkansas, as the ''David H. Pryor Post Office Building'';

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings;

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives;

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes;

H.R. 4167. An act to provide for the safety of journeymen boxers, and for other purposes; and

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

October 11, 1996:

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996;

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes;

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefits of propane consumers and the public, and for other purposes;

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes;

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes;

H.R. 2297. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States;

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes;

H.R. 3166. An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter;

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; and

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

On October 13, 1996:

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults.

On October 14, 1996:

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

On October 19, 1996:

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management assistance Compact;

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact;

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States;

H.R. 1087. An act to the relief of Nguyen Quy An;

H.R. 1281. An act to express the sense of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war cries should make these records public;

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama;

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System;

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes;

H.R. 3378. An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors;

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System;

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or

mentally retarded residents when there is a significant change in physical or mental condition;

H.R. 3864. An act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office;

H.R. 3910. An act to provide emergency drought relief to the City of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes;

H.R. 4036. An act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations; and

H.R. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

October 20, 1996:

H.R. 1776. An act to establish United States commemorative coin programs, and for other purposes.

October 26, 1996:

H.R. 3219. An act to provide Federal assistance for Indian tribe in a manner that recognizes the right of tribal self-governance, and for other purposes;

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes; and

H.R. 4283. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

November 12, 1996:

H.R. 4236. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the 2d session, 104th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

On August 6, 1996:

S. 531. An act to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes;

S. 1316. An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes;

S. 1757. An act to amend the Development Disabilities Assistance and Bill of Rights Act to extend the Act, and for other purposes; and

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

On September 24, 1996:

S. 1669. An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the ''G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center''.

On October 1, 1996:

S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes;

S. 677. An act to repeal a redundant venue provision, and for other purposes;

S. 1636. An act to designate the United States Courthouse under construction at 1030 Southwest 3rd Avenue, Portland, Oregon, as the ''Mark O. Hatfield United States Courthouse'', and for other purposes; and

S. 1995. An act to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes.

On October 2, 1996:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes; and

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes.

On October 3, 1996:

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes;

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes;

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine; and

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

On October 9, 1996:

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001;

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes;

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes;

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the ''L. Clure Morton United States Post Office and Courthouse'';

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes;

S. 2085. An act to authorize the Capitol Guide Service to accept voluntary services;

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police;

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building'', and for other purposes; and

S.J. Res. 64. Joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

On October 11, 1996:

S. 39. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes;

S. 811. An act to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes;

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes;

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes;

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; and

S. 2197. An act to extend the authorized period of stay within the United States for certain nurses.

On October 12, 1996:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; and

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

On October 14, 1996:

S. 2078. An act to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

On October 19, 1996:

S. 342. An act to establish the Cache La Poudre River Corridor;

S. 1004. An act to authorize appropriations for the United States Coast Guard, and for other purposes;

S. 1194. An act to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes;

S. 1649. An act to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes;

S. 1887. An act to make improvements in the operation and administration of the Federal courts, and for other purposes;

S. 2183. An act to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

S. 2198. An act to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS AFTER SINE DIE ADJOURNMENT

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted November 26, 1996]

Mr. SOLOMON: Committee on Rules. Survey of activities of the House Committee on Rules, 104th Congress (Rept. 104–868). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 18, 1996]

Mr. STUMP: Committee on Veterans' Affairs. Activities of the Committee on Veterans' Affairs for the 104th Congress (Rept. 104–869). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 19, 1996]

Mr. LIVINGSTON: Committee on Appropriations. Report on activities of the Committee on Appropriations during the 104th Congress (Rept. 104–870). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 20, 1996]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Summary of legislative and oversight activities of the Committee on Transportation and Infrastructure

for the 104th Congress (Rept. 104–871). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 31, 1996]

Mr. ARCHER: Committee on Ways and Means. Report on legislative and oversight activity of the Committee on Ways and Means for the 104th Congress (Rept. 104–872). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 2, 1997]

Mrs. MEYERS: Committee on Small Business. Report of the summary of activities of the Committee on Small Business during the 104th Congress (Rept. 104–873). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Report on the activities of the Committee on Government Reform and Oversight during the 104th Congress (Rept. 104–874). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. Report on the activities of the Committee on Economic and Educational Opportunities during the 104th Congress (Rept. 104–875). Referred to the Committee of the Whole House on the State of the Union.

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Report in the matter of Representative Barbara-Rose Collins (Rept. 104–876). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. Report on the activities of the Committee on Banking and Financial Services during the 104th Congress (Rept. 104–877). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Report on legislative and oversight activities of the Committee on Resources during the 104th Congress (Rept. 104–878). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary during the 104th Congress (Rept. 104–879). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASICH: Committee on the Budget. Activities and summary report of the Committee on the Budget during the 104th Congress (Rept. 104–880). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. Report on the activities of the Committee on Agriculture during the 104th Congress (Rept. 104–881). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. Report on the activity of the Committee on Commerce during the 104th Congress (Rept. 104–882). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. Legislative review activities report of the Committee on International Relations during the 104th Congress (Rept. 104–883). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. Report of the activities of the Committee on National Security during the 104th Congress (Rept. 104–884). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Oversight. Report of the activities of the Committee on House Oversight during the 104th Congress (Rept. 104–885). Referred to the Committee of the Whole House on the State of the Union.

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Report of the activities of the Committee on Standards of Official Conduct during the 104th Congress (Rept. 104–886). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. Summary of activities of the Committee on Science during the 104th Congress (Rept. 104–887). Referred to the Committee of the Whole House on the State of the Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BOEHNER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. OBEY, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,013.40.

(The following Members (at the request of Mr. FILNER) and to include extraneous material:)

Mr. NEAL of Massachusetts.
Mr. RAHALL.
Mr. OBEY.
Mr. BALDACCI.
Mr. RICHARDSON.
Mr. TRAFICANT.
Mr. STARK.
Mr. VENTO.
Mr. BENTSEN.
Mr. OWENS.
Mr. COYNE.
Mr. FILNER.
Ms. HARMAN.
Mr. KLINK.
Mr. MATSUI.
Mr. BARCIA.
Mrs. MALONEY.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous material:)

Ms. ROS-LEHTINEN.
Mr. BARTON of Texas.
Mr. YOUNG of Alaska.
Mr. GILMAN in four instances.
Mr. FORBES.
Mr. SAXTON in two instances.
Mr. PETRI.
Mr. HYDE.
Mr. GILLMOR.
Mrs. MORELLA.
Mr. THOMAS.
Mr. DAVIS of Virginia.
Mr. COBLE.
Mr. GRAHAM.
Mr. LAHOOD.
Mr. LEWIS of California in two instances.
Mr. SOLOMON.
Mrs. ROUKEMA.
Mr. CALVERT.
Mr. BONO.
Mr. SPENCE.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 3 of the 105th Congress, the House stands adjourned until 10 a.m., Monday, January 20, 1997.

Thereupon (at 2 o'clock and 11 minutes p.m.), pursuant to Senate Concurrent Resolution 3, the House adjourned until Monday, January 20, 1997, at 10 a.m.

NOTICE OF PROPOSED AMENDMENTS TO PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 20, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking (proposed amendments to the Procedural Rules of the Office of Compliance) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed amendments be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104–1, 109 Stat. 3). The proposed amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–

9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 Cong. R. S19239 (daily ed., Dec. 22, 1995)). Amendments to these rules, approved by the Board and adopted by the Executive Director, were published September 19, 1996 in the Congressional Record (142 Cong. R. H10672 and S10980 (daily ed., Sept. 19, 1996)). The proposed revisions and additions that follow establish procedures for consideration of matters arising under Parts B and C of title II of the CAA, which are generally effective January 1, 1997.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of Proposed Amendments to the Procedural Rules

(A) Several revisions are proposed to provide for consideration of matters arising under sections 210 and 215 (Parts B and C of title II) of the CAA. For example, technical changes in the procedural rules will be necessary in order to provide for the exercise of various rights and responsibilities under sections 210 and 215 of the Act by the General Counsel, charging individuals and entities responsible for correcting violations. These proposed revisions are as follows:

Section 1.01 is proposed to be amended by inserting references to Parts B and C of title II of the CAA in order to clarify that the procedural rules now govern procedures under those Parts of the Act.

Section 1.02(i) is proposed to be amended to redefine the term ''party'' to include, as appropriate, a charging individual or an entity alleged to be responsible for correcting a violation.

Section 1.03(a)(3) is to be revised to provide for, as appropriate, the filing of documents with the General Counsel.

Section 1.04(d) is proposed to be amended to provide for appropriate disclosure to the public of decisions under section 210 of the CAA and to provide, in accordance with section 416(f) of the CAA, that the Board may, at its discretion, make public decisions which are not otherwise required to be made public.

Section 1.05(a) is to be revised to allow for a charging individual or party or an entity alleged to be responsible for correcting a violation to designate a representative.

Sections 1.07(a), 5.04 and 7.12 are to be revised to make clear that Section 416(c), relating to confidentiality requirements, does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing officers and the Board under section 215.

Section 5.01(a)(2), (b)(2), (c)(2) and (d) is proposed to be amended to allow for the filing of complaints alleging violation of sections 210 and 215 of the CAA.

Section 7.07(f), relating to conduct of hearings, is to be revised to provide that, if the representative of a charging party of an entity alleged to be responsible for correcting a violation has conflict of interest, that representative may be disqualified.

Section 8.03(a) relating to compliance with final decisions is to be revised to implement sections 210 and 215 of the CAA.

Section 8.04 ''Judicial Review'' is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under sections 210(d)(4) and 215(c)(5) of the Act.

(B) Proposed Subpart D of these regulations implements the provisions of section 215(c) of the CAA, which sets forth the procedures for inspections, citations, notices, and notifications, hearings, and review, variance procedures, and compliance regarding enforcement of rights and protections of the Occupational Safety and Health Act, as applied by the CAA. Under section 215(c), any employing office or covered employee may request the General Counsel to inspect and investigate places of employment under the jurisdiction of employing offices. A citation or notice may be issued by the General Counsel to any employing office that is responsible for correcting a violation of section 215, or that has failed to correct a violation within the period permitted for correction. A notification may be issued to any employing office that has failed to correct a violation within the permitted time. If a violation remains uncorrected, the General Counsel may file a complaint against the employing office with the Office, which is submitted to a hearing officer for decision, with subsequent review by the Board. Under section 215(c)(4), an employing office may apply to the Board for a variance from an applicable health and safety standard. In considering such application, the Board shall exercise the authority of the Secretary of Labor under sections 6(b) and 6(d) of the Occupational Safety and Health Act of 1970 (''OSHAct'') to issue either a temporary or permanent variance, if specified conditions are met.

The Executive Director has modeled these proposed rules under section 215(c), to the greatest extent practicable, on the enforcement procedures set forth in the regulations of the Secretary of Labor to implement comparable provisions of the OSHAct (29 C.F.R., parts 1903 and 1905). The proposed rules do not follow provisions of the Secretary's regulations that are inapplicable, incompatible with the structure of the Office of Compliance, and/or inconsistent with the express statutory procedures of section 215(c) of the CAA. In addition, the Secretary has identified some provisions of Part 1903 as ''general enforcement policies rather than substantive or procedural rules, [and thus] such policies may be modified in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act.'' 29 CFR §1903.1 These enforcement policies (such as the Secretary's policy regarding employee rescue activities, 29 C.F.R. §1903.14(f) are not included in these rules. Enforcement policies, if any, should be issued by the General Counsel, to whom investigatory and enforcement authorities are assigned under section 215.

The Board finds that the proposed rules govern ''procedures of the Office.'' Thus, they may appropriately be issued under section 303 of the CAA.

III. Text of proposed amendments to procedural rules

§1.01 Scope and Policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for variances and compliance, investigation and enforcement under Part C of title II and procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02(i)

(i) *Party*. The term ''party'' means: (1) an employee or employing office in a proceeding under Part A of title II of the Act; (2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under Part B of title II of the Act; (3) an employee, employing office, or as appropriate, the General Counsel in a proceeding under Part C of title II of the Act; or (4) a labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§1.03(a)(3)

(3) *Faxing documents.* Documents transmitted by FAX machine will be deemed filed on the date received at the Office at 202–426–1913, or, in the case of any document to be filed or submitted to the General Counsel, on the date received at the Office of the General Counsel at 202–426–1663. A FAX filing will be timely only if the document is *received* no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver's FAX number, the number of pages included in the FAX, and that transmission was completed.

§1.04(d)

(d) *Final decisions.* Pursuant to section 416(f) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act, which is in favor of the complaining covered employee, or in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision in favor of a complaining covered employee or charging party, shall be made public, except as otherwise ordered by the Board. The Board may make public any other decision at its discretion.

§1.05(a)

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, or an entity alleged to be

responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

§1.07(a)

(a) *In General.* Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of hearing officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing officers and the Board under section 215. *See also* sections 1.06, 5.04 and 7.12 of these rules.

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures Under Section 215 of the CAA (Occupational Safety and Health Act of 1970)

Inspections, Citations, and Complaints

Sec.
4.01 Purpose and scope
4.02 Authority for inspection
4.03 Request for inspections by employees and employing offices
4.04 Objection to inspection
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INSPECTIONS, CITATIONS AND COMPLAINTS

§4.01 Purpose and scope.

The purpose of sections 4.01 through 4.15 of this subpart is to prescribe rules and procedures for enforcement of the inspection and citation provisions of section 215(c)(1) through (3) of the CAA. For the purpose of sections 4.01 through 4.15, references to the ''General Counsel'' include any designee of the General Counsel.

§4.02 Authority for inspection.

Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place of employment under the jurisdiction of an employing office; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.

§4.03 Requests for inspections by employees and covered employing offices.

(a) *By covered employees and representatives.*

(1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment under the jurisdiction of employing offices may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

(2) If upon receipt of such notification the General Counsel's designee determines that the notice meets the requirements set forth in subparagraph (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists, he or she shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the notice.

(3) Prior to or during any inspection of a place of employment, any covered employee or representative of employees may notify the General Counsel's designee, in writing, of any violation of section 215 of the CAA which he or she has reason to believe exists in such place of employment. Any such notice shall comply with the requirements of subparagraph (1) of this section.

(b) *By employing offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment under the jurisdiction of employing offices under section 215(c)(1) of the CAA. Any such requests shall be reduced to writing on a form available from the Office.

§4.04 Objection to inspection.

Upon a refusal to permit the General Counsel's designee, in exercise of his or her official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employing office, operator, agent, or employee, in accordance with section 4.02 or to permit a representative of employees to accompany the General Counsel's designee during the physical inspection of any workplace in accordance with section 4.07, the General Counsel's designee shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The General Counsel's designee shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the General Counsel, who shall take appropriate action.

§4.05 Entry not a waiver.

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action or citation under the CAA.

§4.06 Advance notice of inspections.

Advance notice of inspections may be given under circumstances determined appropriate by the General Counsel.

§4.07 Conduct of inspections.

(a) Subject to the provisions of section 4.02, inspections shall take place at such times and in such places of employment as the General Counsel may direct. At the beginning of an inspection, the General Counsel's designee shall represent his or her credentials to the operator of the facility or the management employee in charge at the place of employment to be inspected; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in section 4.02 which he or she wishes to review. However, such designation of records shall not preclude access to additional records specified in section 4.02.

(b) The General Counsel's designee shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately, any employing officer, operator, agent or employee of a covered facility. As used herein, the term ''employ other reasonable investigative techniques'' includes, but is not limited, the use of devices to measure employee exposure and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposure.

(c) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employing office.

(d) At the conclusion of an inspection, the General Counsel's designee shall confer with the employing office or its representative and informally advise it of any apparent safety or health violations disclosed by the inspection. During such conference, the employing office shall be afforded an opportunity to bring to the attention of the General Counsel's designee any pertinent information regarding conditions in the workplace.

(e) Inspections shall be conducted in accordance with the requirements of this subpart.

§4.08 Representatives of employing offices and employees.

(a) The General Counsel's designee shall be in charge of inspections and questioning of persons. A representative of the employing office and a representative authorized by its employees shall be given an opportunity to accompany the General Counsel's designee during the physical inspection of any workplace for the purpose of aiding such inspection. The General Counsel's designee may permit additional employing office representatives and additional representatives authorized by employees to accompany the designee where he or she determines that such additional representatives will further aid the inspection. A different employing office and employee representative may accompany the General Counsel's designee during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) The General Counsel's designee shall have sole authority to resolve all disputes as to who is the representative authorized by the employing office and employees for the purpose of this section. If there is no authorized representative of employees, or if the General Counsel's designee is unable to determine with reasonable certainty who is such representative, he or she shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees shall be an employee(s) of the employing office. However, if the judgment of the General Counsel's designee, good cause has been shown why accompaniment by a third party who is not an employee of the employing office (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the General Counsel's designee during the inspection.

(d) The General Counsel's designee may deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany the General Counsel's designee in areas containing such information.

§4.09 Consultation with employees.

The General Counsel's designee may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of section 215 of the CAA which he or she has reason to believe exists in the workplace to the attention of the General Counsel's designee.

§4.10 Inspection not warranted; informal review.

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice in writing of such determination. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may present their views orally and in writing. After considering all written and oral views presented, the General Counsel may affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

(b) If the General Counsel's designee determines that an inspection is not warranted because the requirements of section 4.03(a)(1) have not been met, he or she shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of section 4.03(a)(1).

§4.11 Citations.

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, or of any standard, rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue a citation to the employing office responsible for correction of the violation, as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA. A citation may be issued even though after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the CAA, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation is issued for a violation alleged in a request for inspection under section 4.03(a)(1), or a notification of violation under section 4.03(a)(3), a copy of the citation shall also be sent to the employee or representative of employee who made such request of notification.

(d) After an inspection, if the General Counsel determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under section 4.03(a)(1) or a notification of violation under section 4.03(a)(3), the informal review procedures prescribed in 4.15 shall be applicable. After considering all views presented, the General Counsel shall affirm the previous determination, order a reinspection, or issue a citation if he or she believes that the inspection disclosed a violation. The General Counsel shall furnish the party that submitted the notice and the employing office with written notification of the determination and the reasons therefore. The determination of the General Counsel shall be final and not reviewable.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of section 215 has occurred.

§4.12 Imminent danger.

(a) Whenever and as soon as a designee of the General Counsel concludes on the basis of an inspection that conditions or practices exist in any place or employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by section 215(c), he or she shall inform the affected employees and employing offices of the danger and that he or she is recommending the filing of a petition to restrain such conditions or practices and for other appropriate relief in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA. Appropriate citations may be issued with respect to an imminent danger even though, after being informed of such danger by the General Counsel's designee, the employing office immediately eliminates the imminence of the danger and initiates steps to abate such danger.

§4.13 Posting of citations.

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing offices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employing office shall take steps to ensure that the citation is not altered, defaced, or covered by other material.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The tendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

(c) An employing office to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Board, and such notice may explain the reasons for such contest. The employing office may also indicate that specified steps have been taken to abate the violation.

§4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint.

(a) If the General Counsel determines that an employing office has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, he or she may issue a notification to the employing office of such failure prior to filing a compliant against the employing office under section 215(c)(3) of the CAA. Such notification shall fix a reasonable time or times for abatement of the alleged violation for which the citation was issued and shall be posted in accordance with section 4.13 of these rules. Nothing in these rules shall require the General Counsel to issue such a notification as a prerequisite to filing a complaint under section 215(c)(3) of the CAA.

(b) If after issuing a citation or notification, the General Counsel believes that a violation has not been corrected, the General Counsel may file a compliant with the Office against the employing office named in the citation or notification pursuant to section 215(c)(3) of the CAA. The complaint shall be submitted to a Hearing Officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures of sections 7.01 through 7.16 of these rules govern compliant proceedings under this section.

§4.15 Informal conferences.

At the request of an affected employing office, employee, or representative of employees, the General Counsel may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. The settlement of any citation or notice at such conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section 9.05 of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of the General Counsel. Any party may be represented by counsel at such conference.

RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS

§4.20 Purpose and scope.

Sections 4.20 through 4.31 contain rules of practice for administrative proceedings to grant variances and other relief under sections 6(b)(6)(A) and 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, as applied by section 215(c)(4) of the CAA.

§4.21 Definitions.

As used in sections 4.20 through 4.31, unless the context clearly requires otherwise—

(a) *OSHAct* means the Williams-Steiger Occupational Safety and Health Act of 1970, as applied to covered employees and employing offices under section 215 of the CAA.

(b) *Party* means a person admitted to participate in a hearing conducted in accordance with this subpart. An applicant for relief and any affected employee shall be entitled to be named parties. The General Counsel shall be deemed a party without the necessity of being named.

(c) *Affected employee* means an employee who would be affected by the grant or denial of a variance, limitation, variation, tolerance, or exemption, or any one of the employee's authorized representatives, such as the employee's collective bargaining agent.

§4.22 Effect of variances.

All variances granted pursuant to this part shall have only future effect. In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the General Counsel, a hearing officer, or the Board until the completion of such proceeding.

§4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption.

Every final action granting a variance, limitation, variation, tolerance, or exemption under this part shall be made public. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

§4.24 Form of documents.

(a) Any applications for variances and other papers that are filed in proceedings under sections 4.20 through 4.31 of these rules shall be written or typed. All applications for variances and other papers filed in variance proceedings shall be signed by the applying employing office, or its representative, and shall contain the information required by sections 4.25 or 4.26 of these rules, as applicable.

§4.25 Applications for temporary variances and other relief.

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance from a standard, or portion thereof, authorized by section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section with the Board. Pursuant to section 215(c)(4) of the CAA, the Board may refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures set forth at sections 7.01 through 7.16 of these rules shall govern hearings under this subpart.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A specification of the standard or portion thereof from which the applicant seeks a variance;

(4) A representation by the applicant, supported by representations from qualified persons having first-hand knowledge of the facts represented, that the applicant is unable to comply with the standard or portion thereof by its effective date and a detailed statement of the reasons therefor,

(5) A statement of the steps the applicant has taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard;

(6) A statement of when the applicant expects to be able to comply with the standard and of what steps the applicant has taken and will take, with specific dates where appropriate, to come into compliance with the standard;

(7) A statement of the facts the applicant would show to establish that (i) the applicant is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date; (ii) the applicant is taking all available steps to safeguard its employees against the hazards covered by the standard; and (iii) the applicant has an effective program for coming into compliance with the standard as quickly as practicable;

(8) Any request for a hearing, as provided in this part;

(9) A statement that the applicant has informed its affected employees of the application by giving a copy thereof to their authorized representative, posting a statement, giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted, and by other appropriate means; and

(10) A description of how affected employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application file pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be made public. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.26 Applications for permanent variances and other relief.

(a) *Applications for variance.* Any employing office, or class of employing offices, desiring a variance authorized by section 6(d) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section, with the Board. Pursuant to section 215(c)(4) of the CAA, the Board may refer any matter appropriate for hearing to a Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;

(4) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(5) A certification that the applicant has informed its employees of the application by (i) giving a copy thereof to their authorized representative; (ii) posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and (iii) by other appropriate means;

(6) Any request for a hearing, as provided in this part; and

(7) A description of how employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties, and the terms of the order shall be made public. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.27 Modification or revocation of orders.

(a) *Modification or revocation.* An affected employing office or an affected employee may apply in writing to the Board for a modification or revocation of an order issued under section 6(b)(6)(A), or 6(d) of the OSHAct, as applied by section 215 of the CAA. The application shall contain:

(i) The name and address of the applicant;

(ii) A description of the relief which is sought;

(iii) A statement setting forth with particularity the grounds for relief;

(iv) If the applicant is an employing office, a certification that the applicant has informed its affected employees of the application by:

(A) Giving a copy thereof to their authorized representative;

(B) Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

(C) Other appropriate means.

(v) If the applicant is an affected employee, a certification that a copy of the application has been furnished to the employing office; and

(vi) Any request for a hearing, as provided in this part.

(b) *Renewal.* Any final order issued under section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

§4.28 Action on applications.

(a) *Defective applications.* (1) If an application filed pursuant to sections 4.25(a), 4.26(a), or 4.27 does not conform to the applicable section, the Hearing Officer or the Board, as applicable, may deny the application.

(2) Prompt notice of the denial of an application shall be given to the applicant.

(3) A notice of denial shall include, or be accompanied by, a brief statement of the grounds for the denial.

(4) A denial of an application pursuant to this paragraph shall be without prejudice to the filing of another application.

(b) *Adequate applications.* (1) If an application has not been denied pursuant to paragraph (a) of this section, the Office shall cause to be published a notice of the filing of the application.

(2) A notice of the filing of an application shall include:

(i) The terms, or an accurate summary, of the application;

(ii) A reference to the section of the OSHAct applied by section 215 of the CAA under which the application has been filed;

(iii) An invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and

(iv) Information to affected employing offices, employees, and appropriate authority having jurisdiction over employment or places of employment covered in the application of any right to request a hearing on the application.

§4.29 Consolidation of proceedings.

On the motion of the Hearing Officer or the Board or that of any party, the Hearing Officer or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

§4.30 Consent findings and rules or orders.

(a) *General.* At any time before the receipt of evidence in any hearing, or during any hearing a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the Hearing Officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents.* Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

(1) That the rule or order shall have the same force and effect as if made after a full hearing;

(2) That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;

(3) A waiver of any further procedural steps before the Hearing Officer and the Board; and

(4) A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Hearing Officer for his or her consideration; or

(2) Inform the Hearing Officer that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Hearing Officer may accept such agreement by issuing his or her decision based upon the agreed findings.

§4.31 Order of Proceedings and Burden of Proof

(a) *Order of proceeding.* Except as may be ordered otherwise by the Hearing Officer, the party applicant for relief shall proceed first at a hearing.

(b) *Burden of proof.* The party applicant shall have the burden of proof.

§5.01(a)(2)

(a)(2) The General Counsel may file a complaint alleging a violation of section 210, 215 or 220 of the Act.

§5.01(b)(2)

(b)(2) A complaint may be filed by the General Counsel

(i) After the investigation of a charge filed under section 210 or 220 of the Act, or

(ii) after the issuance of a citation or notification under section 215 of the Act.

§5.01(c)(2)

(c)(2) Complaints filed by the General Counsel. A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought;

(ii) notice of the charge filed alleging a violation of section 210 or 220 and/or issuance of a citation or notification under section 215;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

§5.01(d)

(d) Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions; that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

§5.04 Confidentiality

Pursuant to section 416(c) of the Act, all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules could result in the imposition of sanctions. Nothing in these rules shall prevent the Executive Director from reporting statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a matter.

§7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§7.12

Pursuant to section 416 of the Act, all proceedings and deliberation of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in section 416 (d), (e), and (f) of the Act. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

§8.03(a)

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6), a party required to take action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved.

§8.04 Judicial Review

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4);

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5); or

(4) the General Counsel or a respondent before the Board who files a petition under section 215(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing for review shall serve a copy on the opposing party or parties or their representative(s).

Signed at Washington, D.C. on this 20th day of December, 1996.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

NOTICE OF ADOPTION OF REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 20, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to 215(d).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Occupational Safety and Health Act of 1970.

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors, Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published September 19, 1996, in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 215 of the Congressional Accountability Act of 1995 (''CAA'').

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, Library of Congress, Washington, D.C. 20540–1999. Telephone: (202) 724–9250. TDD: (202) 426–1912.

Supplementary Information:

Background and Summary

The Congressional Accountability Act of 1995 (''CAA''), P.L. 104–1, was enacted into law on January 23, 1995. 2 U.S.C. §§1301 *et seq.* In general, the CAA applies the rights and protections of eleven federal labor and employment statutes to covered employees and employing offices within the legislative branch. Section 215(a) provides that each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970, 29 U.S.C. §654 (''OSHAct''). 2 U.S.C. §1341(a).

Section 215(d) of the CAA requires the Board of Directors of the Office of Compliance established under the CAA to issue regulations implementing the section. 2 U.S.C. §1341(d). Section 215(d) further states that such regulations ''shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' *Id.* Section 215(d) further provides that the regulations ''shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.'' *Id.*

On September 19, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking (''NPR'') (142 Cong. Rec. S11019 (daily ed., Sept. 19, 1996)). In response to the NPR, the Board received four written comments, two of which were from offices within the Legislative Branch and two of which were from labor organizations. After full consideration of the comments received in response to the proposed regulations, the Board has adopted and is submitting these regulations for approval by the Congress pursuant to section 304(c) of the CAA.

I. Summary of Comments and Board's Final Rules

A. Request for Additional Rulemaking Proceedings

One commenter requested that the Board withdraw its proposed regulations and engage in what it terms ''investigative rulemaking,'' a process that apparently is to include discussions with involved parties regarding the nature and scope of the regulations. This commenter expressed the concern that affected parties had not been sufficiently involved in the rulemaking process and have been discouraged from providing meaningful comments. Specifically, the commenter objected to the following actions of the Board: (1) providing a comment period of no more than 30 days; (2) issuing a notice of proposed rulemaking without first issuing an advance notice of proposed rulemaking; (3) issuing proposed regulations under section 215 concurrently with proposed regulations under section 210 and shortly before the Congress had adjourned *sine die*; (4) stating in the NPR that nomenclature and other technical changes were made to the adopted regulations, but not specifically cataloguing each of those changes in the summary of the proposed rules; and (5) not providing a record of consultations between the Office and representatives of the Department of Labor in the NPR.

The Board has considered each of the above concerns and, after careful evaluation of them, has determined that further rulemaking proceedings, with their concomitant costs and delays, are not warranted in this context.

1. The request for an extended comment period and for ''investigatory'' rulemaking. The rulemaking procedure employed by the Board in this context is substantially similar to that employed by the Board with respect to every other regulation promulgated thus far under the CAA; and it complies with the required procedures under section 304 of the CAA. Specifically, section 304(b) generally requires the Board to issue a notice of proposed rulemaking and to provide a comment period of at least 30 days. The Board has done so. Nor is there any reason to believe that a significant extension of the comment period beyond 30 days or a resort to alternative forms of rulemaking would result in a different rulemaking comment record, either qualitatively or quantitatively: The Board's rulemaking record includes an extensive report from its General Counsel—a report which itself was prepared on the basis of an extensive investigation by the General Counsel and with the invited participation of all employing offices. In addition, the General Counsel met with representatives of a number of employing offices prior to the inspections, including the Architect of the Capitol, concerning the appropriate standards to be applied to Legislative Branch facilities. Moreover, no commenter claimed an inability in this rulemaking proceeding to adequately present its views through written submissions. Indeed, the only specific request for an extension of the comment period came from this particular commenter, who requested an extension of only one day, which was granted. No request for further time was sought by the commenter or by any other person or organization. Finally, a review of the comments received tends to reinforce the Board's view that an extended comment period, hearings, and/or other additional forms of rulemaking proceedings would only result in the addition to the record of information which would at most duplicate or corroborate the written comments without providing further insight into or elucidation of the issues involved.

2. Failure to issue an Advance Notice of Proposed Rulemaking. Although not expressly provided for in the Administrative Procedure Act (''APA''), an advance notice of proposed rulemaking (''ANPR'') is sometimes used by administrative agencies to seek information from the public to assist in framing a notice of proposed rulemaking and to narrow the issues during the public comment period on the proposed rules ultimately developed. *See, e.g.,* 52 Fed. Reg. 38,794 (1987) (preliminary notice for Medicare anti-kickback regulations). Thus, in prior rulemakings, the Board has sometimes used ANPRs to obtain views regarding interpretation of statutory provisions in the CAA that had not previously been interpreted by the Board and to obtain general information regarding conditions within the Legislative Branch that may bear on rulemaking questions. *See e.g.,* 141 Cong. Rec. S14542 (daily ed. Sept. 28, 1995) (ANPR seeking information regarding, *inter alia,* the standard for determining whether and to what extent regulations under the CAA should be modified for ''good cause,'' whether regulations imposing notice posting and recordkeeping requirements are included within the CAA; whether certain regulations constituted ''substantive regulations;'' and whether the concept of ''joint employer status'' is applicable under the CAA). From these prior rulemaking proceedings, the Board has developed a body of interpretations of the CAA upon which it has drawn in developing the proposed rules in this rulemaking.

In contrast to those earlier rulemaking proceedings, here no ANPR was necessary or appropriate. Both the Board and its statutory appointees have now had over a year's experience in addressing regulatory issues governing the Legislative Branch and have collected a body of institutional knowledge and experience that makes the open-ended information gathering techniques such as an ANPR less needed. Indeed, the rulemaking experience under the CAA over the last year has shown that ANPRs have become less useful over time. For example, although the Board received twelve separate responses to the first ANPR that it issued in September of 1995, the most recent ANPR issued by the Board, regarding rulemaking under section 220(e), elicited only 2 comments directed to section 220(e), neither of which addressed the precise questions posed by the Board in that ANPR. *See* 142 Cong. Rec. S5552 (daily ed. May 23, 1996) (NPR regarding section 220(e)). And, in this context, there is no reason to believe that further comments beyond those received in response to the NPR would have been received had an ANPR been issued.

More to the point, there is no reason to believe that procedures other than the traditional notice-and-comment procedures outlined in section 304 of the CAA would develop any further useful information in the context of rulemaking under section 215—especially given the information already gathered by the Office regarding these issues.

Among other things, the General Counsel has conducted an inspection of all facilities within the Legislative Branch for compliance with health and safety standards under sections 215 and disability access standards under section 210, utilizing as guidelines standards that were in a form virtually identical to the regulations which the Board has proposed. The General Counsel also sent detailed inspection questionnaires to each Member of the House of Representatives and to each Member of the Senate regarding compliance with health and safety and disability access standards in District and Home State offices. The General Counsel's reports regarding compliance issues under sections 210 and 215 of the CAA were submitted June 28, 1996 and detailed the application of safety and health and disability regulations to conditions within the legislative branch. Copies of those reports were delivered in July 1996 to each Senator and Representative, to each committee of Congress, and to representatives of every other employing office in the Legislative Branch, including the commenter. No comments were received from anyone concerning the appropriateness of applying any such regulations to Legislative Branch offices, and the commenter has not provided any here.

Where, as here, an ANPR would not likely result in receipt of additional useful information to develop a proposed rule, there is also the concern that its use might be viewed as evidence of procrastination in the face of an obligation to proceed quickly with important rulemaking activity. *Cf. United Steelworkers of America* v. *Pendergrass,* 819 F.2d 1263, 1268 (3d Cir. 1987) (challenge to OSHA's failure to issue revised rule on hazard communication in response to court remand; court was extremely critical of OSHA having published an ANPR to supplement original record); Administrative Conference of the United States Recommendation No. 87–10, ''Regulation by the Occupational Safety and Health Administration,'' *published at* 1 C.F.R. §305.87–10, T3(e) (1989) (recommending that agency should not routinely use ANPR's as an information-gathering technique and that they should be used only when information not otherwise available to the agency ''is likely to be forthcoming'' in response to the ANPR). This is particularly true where, as here, the Office of Compliance, through the General Counsel, has already gathered a considerable body of experience and information regarding the conditions of operations and facilities within the Legislative Branch and how the regulations proposed by the Board would likely affect those operations and facilities. Nothing has been offered by any commenter to suggest a new area of inquiry or information which was not considered by the Board in the NPR that might affect the Board's decision regarding any of the regulatory matters contained in the NPR. In the absence of any such showing, additional rulemaking proceedings are neither required nor desirable.

3. The timing of the notice of proposed rulemaking. The commenter's argument regarding the timing of the issuance of the regulations also does not require additional rulemaking proceedings.

Despite the commenter's suggestion to the contrary, there is nothing unusual or unprecedented about the Board issuing simultaneously two notices of proposed rulemaking implementing two separate sections of the CAA. For example, on November 28, 1995, the Board issued concurrent notices of proposed rulemaking to implement the rights and protections of *five* major sections of the CAA: sections 202 (Family and Medical Leave Act), 203 (Fair Labor Standards Act), 204 (Employee Polygraph Protection Act), and 205 (Worker Adjustment Retraining and Notification Act). *See, e.g.,* 141 Cong. Rec. S17627–S17652, S17603–27, S17656–64, S17652–56 (daily ed., Nov. 28, 1995). The volume of regulations covered by those five notices (and the collective complexity and diversity of the legal and interpretative rulemaking issues involved in promulgating those five sets of proposed regulations) was significantly greater than the proposed regulations at issue here and those proposed under section 210. The commenter has not shown that there is anything about the nature and extent of the regulations in the current rulemaking proceedings that has impeded the ability of any commenter to provide useful and comprehensive comments.

Similarly, the timing of the issuance of proposed regulations here was not only appropriate, but it also was necessary. Sections 210 and 215 of the CAA become effective on January 1, 1997, a date which was set by the CAA, not by the Board. The proposed regulations were developed and issued as soon as practicable given, *inter alia,* the need of the Board and all interested persons to first have the benefit of the General Counsel's investigation and reports and the need to first complete rulemaking on sections of the CAA that contained earlier effective dates, such as sections 203–207 (effective January 23, 1996), and section 220 (effective October 1, 1996). The proposed regulations were issued when they were in order to afford commenters the earliest practical opportunity to comment on the proposed regulations so that final regulations could be adopted by the Board before the effective date of section 215 of the CAA.

The schedule of Congress cannot be a determinative factor for the Board in deciding when to issue proposed regulations. The CAA applies whether the Congress is in session or not; and the CAA imposes deadlines that must be met whether the Congress is in session or not. The session of Congress is relevant to the date of publication of regulations, which is why the Board submitted the NPR to the Congress prior to adjournment *sine die,* so that the NPR could be published (in accordance with section 304(1) of the CAA) for comment prior to January, 1997. The rights and protections of the CAA continue while Congress is in recess, and the CAA requires that employing offices and Members meet their obligations whether Congress is in session or not.

4. Technical and nomenclature changes. As with prior rulemakings, the Board has proposed to make technical and nomenclature changes to make the language of the adopted regulations fit more naturally to situations arising within the Legislative Branch. *See, e.g.,* 142 Cong. Rec. at S225 (daily ed. Jan. 22, 1996) (final regulations regarding section 203 of the CAA). However, the Board has made clear that such changes are not intended to affect a substantive change in the regulations. *Id.* Examples of such changes include the following substitutions: ''employing office'' for ''employer,'' ''covered employee'' for ''employee,'' definitions of ''employing office'' (including the list of offices set forth in the CAA) for the definition of ''employer,'' and deleting provisions regarding interstate commerce as a basis for jurisdiction (which is not a requirement of the CAA).

The Board disagrees with the commenter's argument that failing to catalogue each of these changes in the preamble somehow hinders commenters' ability to provide effective comments regarding the proposed regulations. Where significant changes in the substance of the regulations have been proposed, such changes have been summarized and discussed in the preamble to the proposed regulations. However, as in past notices of proposed rulemaking, the Board has generally described the nature of proposed technical and nomenclature changes and has made clear that such changes are not intended to effect a significant or substantive change in the nature of the regulations adopted. Moreover, the complete text of the proposed regulations, including technical and nomenclature changes, has been made available for review as part of the NPR. It is the responsibility of commenters to review and comment on these matters, while the Board desires reasonably to assist this process, it cannot do the commenters' work, and there is absolutely no reason to delay rulemaking on this basis.

5. Record of comments and public meetings. Finally, the Board rejects the suggestion that it publish a summary of the discussions that have occurred between the Office and representatives of the Secretary of Labor and other agencies. Those discussions have not been with members of the Board; and the public record is solely for matters presented to the Board by outside persons. General discussions with outside persons by staff of the Office of Compliance are not properly part of that record, nor are discussions between staff and the Board properly part of that record. There is no legal basis or precedent for making such discussions part of the record; and to do so would improperly chill inter-agency and intra-agency deliberations and communications.

B. Regulations that the Board Proposed to Adopt

1. *Substantive health and safety standards at Parts 1910 and 1926, 29 CFR.*—In the NPR, the Board proposed that otherwise applicable health and safety standards of the Secretary's regulations published at Parts 1910 and 1926 of Title 29 of the Code of Federal Regulations (''29 CFR'') be adopted with only limited modifications. All commenters agreed in general with the Board's proposal.

2. *Recordkeeping requirements contained in substantive health and safety standards of Parts 1910 and 1926.*—The Board further proposed to include within its regulations recordkeeping requirements contained in the substantive health and safety standards of Parts 1910 and 1926, 29 CFR. One commenter took issue with this decision, arguing that adoption of such requirements is contrary to the intent of the CAA. The Board disagrees.

Section 215(d)(2) provides that the Board regulations shall be ''the same as'' the regulations of the Secretary implementing the health and safety standards of section 5 of the OSHact. Where, as here, a recordkeeping or posting requirements is expressly contained in and inextricably interwined with a substantive health and safety standard, the Board is required to adopt the standard as written under section 215(d)(2), unless there is good cause to believe that not including the recordkeeping or posting requirement would be ''more effective for the implementation of the rights and protections'' under section 215. In contrast to the general recordkeeping regulations that implement section 8(c) of the OSHAct (discussed at section I.C.2., *infra*), adoption of the health and safety standards, including those specific recordkeeping requirements that are part and parcel of such standards, is authorized (if not compelled) by section 215(d)(2).

The commenter does not offer any basis for concluding that excluding such recordkeeping or posting requirements would be ''more effective'' for implementing the rights and protections of the health and safety standard at issue. On the contrary, there is every reason to believe that the substantive health and safety protections contained in subpart Z of Part 1910, such as the rules relating to employee exposure, would be less effective without a requirement that employing offices document such exposure.

C. Regulations that the Board Proposes Not to Adopt.

1. Rules of procedure for variances, procedure regarding inspections, citations, and notices.—The Board proposed not to adopt as regulations under section 215(d) provisions of the Secretary's regulations that did not constitute health and safety standards and/or were not promulgated to implement that provisions of section 5 of the OSHAct. 142 Cong. Rec. at S11020. In doing so, the Board noted that, with respect to those regulations that dealt with procedures of the Office, the Executive Director might, where appropriate, decide to propose comparable provisions pursuant to a rulemaking undertaken in accordance with section 303 of the CAA.

All four commenters took issue with the Board's decision. Two commenters argued that, because sections 8, 9 and 10 of the OSHact (which include provisions governing variances and the procedure for inspections, citations, and penalties) are referenced in section 215(c) of the CAA, the Secretary's regulations implementing those sections (Parts 1903 and 1905, 29 CFR) are within the Board's mandatory rulemaking authority under section 215(d)(2). These commenters characterized the Board's decision as a refusal to adopt the variance, citations, and inspections regulations because they are ''procedural'' as opposed to ''substantive'' regulations, which the commenters believe is inconsistent with the Board's resolution of a similar issue in the context of the Board's section 220 regulations. *See* 142 Cong. Rec. at S5072 (daily ed. May 15, 1996) (NPR regarding section 220) (procedural rules ''can in fact be substantive regulations'' and the fact that the ''regulations may arguably be procedural in content is, in the Board's view, not a legally sufficient reason for not viewing them as 'substantive' regulations.''). Two other commenters argued that regulations covering the subject of variances, citiations, and similar other matters cannot be issued as rules governing the procedures of the Office under section 303 of the CAA, because to do so would improperly circumvent Congress' ability to review and pass on substantive regulations prior to their implementation (since section 303 regulations require no congressional approval). A third commenter argued that rules regarding variances, inspections, and citations should be issued by the Board as substantive regulations, rather than by the Executive Director under section 303 of the CAA; however, this commander did not offer a legal basis for this argument. Finally, a fourth commenter argued that the Part 1903 regulations should be issued as part of the current rulemaking, regardless whether they are issued as substantive regulations under section 215(d)(2) of the CAA or as procedures of the Office under section 303 of the CAA.

After carefully considering these various comments, the Board has again determined that it would not be legally appropriate to adopt the Secretary's regulations at Parts 1903 and 1905, 29 CFR, as regulations under section 215(d)(2). Contrary to the commenters' characterization, the Board excluded Part 1903 and 1905 from the proposed regulations, not because they were ''procedural'' as opposed to ''substantive,'' but because they were not within the scope of the Board's rulemaking authority under section 215(d)(2) of the CAA. Section 215(d)(2) provides that the regulations issued by the Board to implement section 215 ''shall be the same as substantive regulations promulgated by the Secretary of Labor to implement *the statutory provisions referred to in subsection (a)* [of section 215],'' except for modification of those regulations for ''good cause.'' The only ''statutory provision[] referred to in subsection (a)'' of section 215 is section 5 of the OSHAct, which sets forth the substantive health and safety standards applicable to employers. Thus, only the regulations of the Secretary that implement the substantive health and safety standards of section 5 of the OSHAct are within the scope of the Board's rulemaking authority under section 215(d)(2). Because the Secretary's health and safety standards contained in Parts 1910 and 1926 implement section 5 of the OSHAct, such regulations may be included within the proposed regulations; but the Secretary's regarding variance procedures, inspections, citations and notices, set forth at Parts 1903 and 1904, were promulgated to implement sections 8, 9, and 10 of the OSHAct, statutory provisions which are not ''referred to in subsection (a)'' of section 215. Thus, the plain language of section 215(d)(2) excludes such regulations from the scope of the Board's rulemaking mandate under section 215(d)(2).

The commenters apparently read section 215(d)(2)'s requirement that the Board's regulations be ''the same as substantive regulations promulgated by the Secretary of Labor'' as including *any* regulation promulgated by the Secretary to implement *any* provision of the OSHAct referred to in *any* subsection of section 215, including subsection (c). But the Board may not properly ignore the requirement of section 215(d)(2) that the regulations be promulgated ''to implement the statutory provisions referred to in subsection (a).'' To do so would violate the cardinal rule of statutory construction that a statute should not be read as rendering any word or phrase therein mere surplusage. *See Babbitt* v. *Sweet Home Ch. of Commun, for Greater Or.,* 115 S. Ct. 2407, 2413 (1995).

The only way in which regulations implementing provisions of the OSHAct referred to in subsection (c) could be considered within the scope of regulation under section 215(d)(2) would be by speculating that Congress' specific reference to subsection (a) was inadvertent. However, such ''[s]peculation loses, for the more natural reading of the statute's text, which would give effect to all of its provisions, always prevails over a mere suggestion to disregard or ignore duly created law as legislative oversight.'' *United Food and Commercial Workers* v. *Brown Group, Inc.,* 116 S. Ct. 1529, 1533 (1996).

Furthermore, because section 215(c) sets forth a detailed enforcement procedure which is significantly different from the procedures of the OSHAct, it is doubtful that the drafters intended to include regulations implementing OSHAct enforcement procedures as part of the Board's rulemaking under section 215(c)(2). Instead, given the significant differences between the two statutory enforcement provisions, it is reasonable to conclude that Congress did not intend the Board to presume that the regulations regarding such procedures should be ''the same'' as the Secretary's procedures, as they generally must be if they fell within the Board's substantive rulemaking authority under section 215(d)(2). Thus, the commenters' interpretation is not supported by either the text or the legislative history of section 215.[1]

For this reason, the Board must also reject the commenter's suggestion that it ''modify'' the proposed regulations to include the Secretary's Part 1903 and 1904 regulations. The Board cannot adopt as a ''modification'' regulations that are not within the scope of section 215(d)(2). *See* 141 Cong. Rec. S17603, 17604 (daily ed. Nov. 28, 1995) (''Because the Board's authority to modify the Secretary's regulations for 'good cause' does not authorize it to adopt regulatory requirements that are the equivalent of statutory requirements that Congress has omitted from the CAA. . .); *see also MCI Telecommunications* v. *American Tel. & Tel.,* 114 S. Ct. 2223, 2230 (1994) (FCC's statutory authority to ''modify any requirement'' under section of tariff statute did not authorize FCC to make basic and fundamental changes in regulatory scheme; term ''modify'' connotes moderate or incremental change in existing requirements).

2. *General recordkeeping requirements.*—In the NPR, the Board proposed not to adopt regulations implementing the general recordkeeping requirements of section 8(c) of the OSHAct. The Board determined that section 8(c) of the OSHAct is neither a part of the rights and protections of section 5 of the OSHAct nor a substantive health and safety standard referred to therein. Thus, regulations promulgated by the Secretary to implement the recordkeeping requirements are not within the scope of the Board's rulemaking under section 215(d)(2).

Two commenters asked the Board to reconsider this decision and to issue regulations implementing section 8(c) of the OSHAct. The Board has considered these comments and finds no new arguments or statutory evidence therein to support a change in the Board's original conclusion. The arguments offered by the commenters were substantially the same as those that were considered and rejected by the Board in an earlier rulemaking on an essentially identical issue. *See* 141 Cong. Rec. S17603, 17604 (daily ed. Nov. 28, 1995) (resolving identical issue in the context of rulemaking under section 203 of the CAA).

D. Method for Identifying Responsible Employing Office

In section 1.106 of the proposed regulations, the Board set forth a method for identifying the employing office responsible for correction of a particular violation. Under proposed section 1.106, correction of a violation of section 215(a) ''is the responsibility of any employing office that is a creating employing office, a controlling employing office, and/or a correcting employing office, as defined by this section, to the extent that the employing office is in a position to correct or abate the hazard or to ensure its correction or abatement.''

1. *General comments regarding section 1.106.*—One commenter argued that section 1.106 should be significantly revised or a different method developed by the Board because: (1) the definitions of ''creating,'' ''exposing,'' ''controlling,'' and ''correcting'' employer are allegedly vague and confusing and give insufficient guidance to employing offices regarding their responsibilities; and (2) section 1.106 contemplates the possibility that more than one employing office may be held responsible for correcting a violation, which is said to be contrary to section 215 (which the commenter argues prohibits the imposition of joint responsibility) and, assuming that more than one employing office may properly be held responsible under section 1.106, the Board should provide a mechanism for allocating joint responsibility among multiple offices. The Board has considered each of these arguments and, as explained below, finds no reason to depart substantially from the proposed regulations as issued.

a. Definition of ''creating,'' ''exposing,'' ''controlling,'' and ''correcting'' employing office. The commenter argued that the definitions of ''creating,'' ''exposing,'' ''controlling,'' and ''correcting'' employing office are vague

[1] Even under the commenters' narrow reading of section 215(d)(2), Part 1905 (rules of practice and procedure relating to variances) is not a ''substantive regulation.'' Part 1905 was issued by the Secretary as a ''rule of agency procedures and practice'' and thus was not promulgated after notice and comment. *See* 36 Fed. Reg. 12,290 (June 30, 1971) (''The rules of practice [Part 1905] shall be effective upon publication in the Federal Register (6–30–71).'').

and confusing because allegedly ''they do little more than imply that an employing office can be responsible in almost all situations'' and allegedly do not give any more guidance on this issue than before the proposed regulations were submitted. However, the commenter has not explained how the provisions of proposed section 1.106 can fairly be seen as vague or confusing. To be sure, proposed section 1.106 states general principles that will need to be applied in the context of actual factual situations by the General Counsel and, ultimately, by the Board. But this is the case with almost every rule of law, whether stated in a statute, a regulation, or a judicial decision. The fact that the text of a regulation on its face does not purport to provide a clear answer to every hypothetical question that may be posed by a party is not a reason to deem a regulation to be unclear. In the course of individual cases before the General Counsel and ultimately the Board, application of these rules will be made to specific situations. Without further elaboration by the commenter as to the nature of the purported ambiguity, there is no reason to believe that further clarification or elaboration in section 1.106 is needed.

b. Joint responsibility. The commenter argued that section 1.106 authorizes assigning correction responsibility to more than one employing office, which it said to be is contrary to the CAA. In support of its argument, the commenter seized upon the provisions of section 215(d)(3), which direct the Board to develop a method for identifying ''the employing offic*e*, not employing offic*es*,'' and section 415, which states that funds to correct violations may be paid only from funds appropriated ''to the employing offic*e* or entit*y* responsible for correcting such violations.'' (emphasis in original of comment). According to the commenter, these provisions establish a statutory prohibition on the imposition of ''joint'' responsibility for section 215 violations. Again, the Board disagrees.

First, it is an elementary rule of statutory construction that reference to persons or parties in statutory language stated in the singular is presumed to include the plural. *See, e.g.,* 1 U.S.C. §1 (''In determining the meaning of any Act of Congress, unless the context indicates otherwise—words importing the singular include and apply to several persons, parties, or things'').

Second, nothing in the language of section 215 suggests that the General Counsel and the Board must determine *the* (e.g., ''sole'') employing office responsible for correction. On the contrary, the language of section 215, including other subsections not cited by the commenter, suggests that more than one office may have responsibilities for the safety and health of a covered employee. For example, by applying section 5 of the OSHAct, section 215(a) of the CAA imposes a duty on each employing office to provide to its employees employment and a place of employment free of recognized hazards. Section 215(a) makes clear that other entities (in addition to the employing office) may also have a duty to those employees regarding such hazards ''irrespective of whether the entity has an employment relationship'' with that employee. Section 215(a)(2)(C). *See also* subsection (c)(2)(A) and (B) (authorizing the General Counsel to issue a citation or notice to ''*any* employing office responsible for correcting a violation'') (emphasis added).

Third, adoption of a rule that requires the General Counsel in an investigatory proceeding or the hearing officer and/or the Board in an adjudicatory proceeding to determine a single employing office responsible for correction of a violation would be unworkable (and in some cases impossible to apply) and would be inconsistent with similar principles applied under the OSHAct. In the private sector, where a single employer controls the working conditions and working environment of the employees, that employer is solely accountable under the OSHAct for providing safe working conditions for its employees. Similarly, in situations under section 215 of the CAA where the alleged violation involves a one-employing office workplace that is under the sole authority and jurisdiction of that office, section 1.106 would not be needed to resolve the issue of responsibility for correction. However, as the Board noted in NPR, the vast majority of workplaces in the Legislative Branch are not conventional, one-employing office workplaces. Instead, there are a number of employing offices and entities (including, but not limited to, the Architect of the Capitol, the Sergeants-At-Arms, the Chief Administrative Officer of the House, Senate and House committees, and individual Members) that have varying degrees of actual or apparent jurisdiction, authority, and responsibility for the physical location in which the violation occurred and, therefore, for correction of violations. Section 1.106 is needed to address such situations; and it can workably do so only by imposing responsibility on several covered entities.

In private sector worksites where the working environment is controlled by more than one employer, such as in construction or other activities involving subcontractors, OSHA's longstanding policy has been to hold multiple employers responsible for the correction of workplace hazards in appropriate cases. Thus, when safety or health hazards occur on multi-employer worksites in the private sector, OSHA will issue citations not only to the employer whose employees were exposed to the violation, but also to other employers, such as general contractors or host employers, who can reasonably be expected to have identified or corrected the hazard by virtue of their supervisory role over the worksite. *See* OSHA Field Inspection Reference manual (''FIRM''), OSHA Instruction CPL 2.103 at III–28,29 (1994). This multi-employer policy does not confer special burdens on these superintending employers, but merely recognizes that employers with overall administrative responsibility for an ongoing project or worksite are responsible under the OSHAct for taking reasonable steps to correct the violation, or to require correction of hazards to the extent of their authority and/or responsibility. There is no legal basis for excusing employing offices under the CAA from similar responsibilities.

As noted in the NPR, the employing office's responsibility for correction is only to the extent that it is ''in a position to correct or abate the hazard or to ensure its correction or abatement.'' In addition, the duties of the employing office under section 1.106 are no more than to exercise the power or authority that it may possess, singularly or together with other employing offices, to ensure the correction of the hazard. The Board finds no compelling reason to reconsider this rule.

The Board also declines the commenter's suggestion that it adopt rules allocating responsibility in what it characterizes as ''joint'' liability situations. Contrary to the commenter's assumption, the responsibility under section 1.106 is not ''joint'' but ''several.'' That is, the employing office is only responsible to the extent that it is a ''creating,'' ''exposing,'' ''controlling,'' and/or ''correcting'' employing office and to the extent that it is ''in a position to correct or abate the hazard or to ensure its correction or abatement.'' Thus, if the facts establish that a particular employing office only ''exposed'' its employees to a hazard (but did not create the hazard or have control over the workspace involved), that employing office discharges its responsibility (and abates its ''share'' of a citation) by ceasing the activity that exposes its employees to the hazard (by not sending its employees to the area, providing personal protective equipment, etc.). Even though the ''exposing'' employing office has discharged its responsibility (and is, therefore, no longer a ''responsible employing office'' with respect to that violation), the ''violation'' at that worksite is not abated until the condition creating the hazard is eliminated. In most cases, that responsibility will be assigned to the ''correcting'' employing office. However, in some cases, the ''controlling'' employing office (the one with legal authority to control the area) may be a different office than the ''correcting'' employing office and, therefore, may need to be a party to any proceeding so that complete relief can be granted by the hearing officer to ensure correction of the violation.

For all of the above reasons, the Board will adopt section 1.106, as modified below, as part of its final regulations.

2. *Recommended modifications to section 1.106(c).*—One commenter took issue with the following portion of section 1.106(c):

''In addition, if equipment or facilities to be used by an employing office, but not under the control of the employing office, do not meet applicable health and safety standards or otherwise constitute a violation of section 215(a), it is the responsibility of the employing office not to permit its employees to utilize such equipment or facilities. In such circumstances, the employing office is in violation if, and only if, it permits its employees to utilize such equipment or facilities.''

According to the commenter, this statement fails to recognize the affirmative defense to a violation in situations involving multi-employer worksites where the cited employer does not have the ability to recognize or abate the offending condition or has taken reasonable alternative measures to protect its employees from the hazard. *See Anning Johnson Co.* v. *OSHRC,* 516 F.2d 1081 (7th Cir. 1975). The Board agrees with the commenter that employing offices should have the benefit of this affirmative defense in such a situation. Accordingly, the Board will incorporate the commenter's suggested language (which has been modified to conform to the elements of the multi-employer affirmative defense). As amended, the passage in section 1.106(c) will be revised to read as follows:

''In addition, if equipment or facilities to be used by an employing office, but not under the control of the employing office, do not meet applicable health and safety standards or otherwise constitute a violation of section 215(a), it is the responsibility of the employing office not to permit its employees to utilize such equipment or facilities. In such circumstances, an employing office that did not create or control a violation may avoid liability if, and only if, it proves either that it took reasonable alternative measures to protect its employees against the hazard or that it lacked sufficient expertise to recognize that the equipment or facilities did not meet applicable health and safety standards or otherwise constituted a violation of section 215(a).''

E. Future Changes in Text of Health and Safety Standards

The commenters generally agreed with the Board's proposed approach regarding changes in the substantive health and safety standards. However, two commenters suggested that the Board expressly state the manner and frequency with and by which it plans to

submit changes in substantive rules, and the manner and frequency with and by which the Office will advise employees and employing offices of changes to external documents.

As stated in the NPR, the Board will make any changes in the substantive health and safety standards under the rulemaking procedures of section 304 of the CAA. Those changes will be made as frequently as needed. It is impossible for the Board to establish a pre-set schedule under which as yet unanticipated and unknown changes will be made. Similarly, the frequency by which the Office may issue information to employing offices and employing officers regarding the requirements of the CAA will be based on the appropriate professional judgment of the Office and its statutory appointees in the particular circumstances that issues arise; it cannot be specified in advance.

F. Comments on Specific Provisions

1. *Specific standards of Part 1910 incorporated by reference.*—One commenter recommended that the Board not adopt the following provisions that were included within the proposed regulations, which the commenter contended are inapplicable to operations of the Legislative Branch: 1910.104 (relating to installation of bulk oxygen systems), 1910.216 (relating to mills and calenders in the rubber and plastics industries), and 1910.266 (relating to jogging operations). Upon further consideration, the Board will delete these provisions from its final regulations, as recommended by the commenter.

This commenter also recommended that the Board exclude from the final regulations sections 1910.263 (safety and health standards relating ''to the design, installation, operation and maintenance of machinery and equipment used in a bakery''), and section 1910.264 (standards relating to ''laundry machinery and operations''). Because the terms ''bakery'' and ''laundry'' are not defined in the regulations, it is not clear that these sections are inapplicable to conditions or facilities within the Legislative Branch. Accordingly, out of an abundance of caution, the Board will retain sections 1910.263 and 1910.264 in the final regulations.

Finally, for the reasons set forth in section I.B.2, *supra*, the Board declines the commenter's suggestion that sections 1910.1020 (access to employee exposure and medical records) and 1910.1200 (hazard communication) not be included within the Board's final regulations because they may require employing offices to make or maintain records to meet these substantive health and safety standards.

2. *Section 1.104 (Notice of protection).*—Two commenters argued that proposed section 1.104 should be deleted since they fear that the section may be interpreted as a notice posting or recordkeeping ''requirement.'' On the contrary, section 1.104 merely provides that, consistent with section 301(h) of the CAA, the Office will make information regarding the CAA available to employing offices in a manner suitable for posting. This identical provision has been included in prior regulations promulgated by the Board and approved by Congress. *See e.g.,* Final Rules Under Section 204 of the CAA, section 1.6, 141 Cong. Rec. at S265 (daily ed. Jan. 22, 1996).

3. *Sections 1.102 (Definition of ''covered employee'') and 1.105 (Authority of the Board).*—Two commenters took issue with the Board's inclusion of proposed sections 1.102 (defining ''covered employee'') and 1.105 (stating the Board's authority to promulgate regulations under the CAA) because they contend that such provisions are inconsistent with the CAA and/or not needed. The Board is satisfied that these sections are consistent with the CAA and will be retained. As with proposed section 1.104, proposed sections 1.102 and 1.105 have been included in several prior regulations promulgated by the Board and approved by Congress. *See, e.g.,* Final Rules regarding section 203 of the CAA, sections 501.102, 501.104, 141 Cong. Rec. at S226; Final Rules regarding section 204 of the CAA, sections 1.2 and 1.7, 141 Cong. Rec. at S264–65.

4. *Section 1900.1 (Purpose and Scope).*—Proposed section 1900.1 sets forth the purpose and scope of the Board's adoption of the occupational safety and health standards of Parts 1910 and 1926, 29 CFR. Subsection (b) makes clear that only the substantive health and safety standards of Parts 1910 and 1926 are adopted by reference and that other materials not relating to health and safety standards are not adopted. One commenter requested further clarification because, in the commenter's view, ''there is no indication of what is 'excluded' '' by the reference. On the contrary, section 1900.1(b) gives an illustration of the types of material not adopted by reference: rules that relate to laws such as the Construction Safety Act, but have no relation to the OSHAct; and statements or references to the duties and/or authorities of the Assistant Secretary of Labor (since such authorities are assigned by the CAA to the General Counsel). In the Board's view, section 1900.1 adequately describes the scope of its incorporation of standards under Parts 1910 and 1926.

G. Technical and nomenclature changes

Two commenters have requested that the Board list the technical and nomenclature changes that it has made to the adopted regulations. Since the Board does not intend by the changes to effect a substantive change in the meaning of the adopted regulations, it is unclear what purpose, if any, would be served by such a list. The regulations adequately set forth the extent of such technical and nomenclature changes. Proposed section 1900.2 states that, except where inconsistent with the definitions, provisions regarding scope, application and coverage, and exemptions provided in the CAA or other sections of these regulations, the definitions, provisions regarding scope, application and coverage, and exemptions provided in Parts 1910 and 1926, 29 CFR, as incorporated into these regulations, shall apply under these regulations. For example, any reference to ''employer'' in Parts 1910 and 1926 shall be deemed to refer to ''employing office.'' The commenter identified a number of other miscellaneous statements in the NPR and the proposed rules therein that it contends are vague and ambiguous or misleading, and/or inconsistent with its reading of the CAA, for which the commenter suggests technical corrections and clarifications. The Board has considered all of these suggestions and, as appropriate, has adopted them.

II. METHOD OF APPROVAL

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the proposed regulations that shall apply to other covered employees and employing offices should be approved by the Congress by concurrent resolution.

Signed at Washington, D.C. on this 20th day of December, 1996.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations:

Adopted Regulations

APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (SECTION 215 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995)

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 215 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Sec.
1.101 Purpose and scope
1.102 Definitions
1.103 Coverage
1.104 Notice of protection
1.105 Authority of the Board
1.106 Method for identifying the entity responsible for correction of violations of section 215

§ 1.101 Purpose and scope.

(a) *Section 215 of the CAA.* Enacted into law on January 23, 1995, the Congressional Accountability Act (''CAA'') directly applies the rights and protections of eleven federal labor and employment law and public access statutes to covered employees and employing offices within the Legislative Branch. Section 215(a) of the CAA provides that each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (''OSHAct''), 29 U.S.C. § 654. Section 5(a) of the OSHAct provides that every covered employer has a general duty to furnish each employee with employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to those employees, and a specific duty to comply with occupational safety and health standards promulgated under the law. Section 5(b) requires covered employees to comply with occupational safety and health standards and with all rules, regulations and orders which are applicable to their actions and conduct. Set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 215(d) of the CAA.

(b) *Purpose and scope of regulations.* The regulations set forth herein (Parts 1 and 1900) are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 215(d) of the CAA. Part 1 contains the general provisions applicable to all regulations under section 215, including the method of identifying entities responsible for correcting a violation of section 215. Part 1900 contains the substantive safety and health standards which the Board has adopted as substantive regulations under section 215(e).

§ 1.102 Definitions.

Except as otherwise specifically provided in these regulations, as used in these regulations:

(a) *Act or CAA* means the Congressional Accountability Act of 1995 (Pub.L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–1438).

(b) *OSHAct* means the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 651, *et seq.*), as applied to covered employees and employing offices by Section 215 of the CAA.

(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance.

(d) The term *employee* includes an applicant for employment and a former employee.

(e) The term *employee of the Office of the Architect of the Capitol* includes any employee

of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(f) The term *employee of the Capitol Police* includes any member or officer of the Capitol Police.

(g) The term *employee of the House of Representatives* includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by an entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(h) The term *employee of the Senate* includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or the Senate or a joint committee; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(j) The term *employing office* includes any of the following entities that is responsible for correction of a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each Committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; and (9) the Office of Compliance.

(k) *Board* means the Board of Directors of the Office of Compliance.

(l) *Office* means the Office of Compliance.

(m) *General Counsel* means the General Counsel of the Office of Compliance.

§ 1.103 Coverage.

The coverage of Section 215 of the CAA extends to any ''covered employee.'' It also extends to any ''covered employing office,'' which includes any of the following entities that is responsible for correcting a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

§ 1.104 Notice of protection.

Pursuant to section 301(h) of the CAA, the Office shall prepare, in a manner suitable for posting, a notice explaining the provisions of section 215 of the CAA. Copies of such notice may be obtained from the Office of Compliance.

§ 1.105 Authority of the Board.

Pursuant to section 215 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections of section 215(a). Section 215(d) of the CAA directs the Board to promulgate regulations implementing section 215 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' 2 U.S.C. § 1341(d). The regulations issued by the Board herein are on all matters for which section 215 of the CAA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 215 of the CAA]'' that need be adopted.

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the Legislative Branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

§ 1.106 Method for identifying the entity responsible for correction of violations of section 215.

(a) *Purpose and scope.* Section 215(d)(3) of the CAA provides that regulations under section 215(d) include a method of identifying, for purposes of this section and for categories of violations of section 215(a), the employing office responsible for correcting a particular violation. This section sets forth the method of identifying responsible employing offices for the purpose of allocating responsibility for correcting violations of section 215(a) of the CAA. These rules apply to the General Counsel in the exercise of his authority to issue citations or notices to employing offices under sections 215(c)(2) (A) and (B), and to the Office and the Board in the adjudication of complaints under section 215(c)(3).

(b) *Employing Office(s) Responsible for Correcting a Violation of Section 215(a) of the CAA.* With respect to the safety and health standards and other obligations imposed upon employing offices under section 215(a) of the CAA, correction of a violation of section 215(a) is the responsibility of any employing office that is an exposing employing office, a creating employing office, a controlling employing office, and/or a correcting employing office, as defined in this subsection, to the extent that the employing office is in a position to correct or abate the hazard or to ensure its correction or abatement.

(i) *Creating employing office* means the employing office that actually created the hazard forming the basis of the violation or violations of section 215(a).

(ii) *Exposing employing office* means the employing office whose employee are exposed to the hazard forming the basis of the violation or violations of section 215(a).

(iii) *Controlling employing office* means the employing office that is responsible, by agreement or legal authority or through actual practice, for safety and health conditions in the location where the hazard forming the basis for the violation or violations of section 215(a) occurred.

(iv) *Correcting employing office* measn the employing office that has the responsibility for actually performing (or the authority or power to order or arrange for) the work necessary to correct or abate the hazard forming the basis of the violation or violations of section 215(a).

(c) *Exposing Employing Office Duties.* Employing offices have direct responsibility for the safety and health of their own employees and are required to instruct them about the hazards that might be encountered, including what protective measures to use. An employing office may not contract away these legal duties to its employees or its ultimate responsibilities under section 215(a) of the CAA by requiring another party or entity to perform them. In addition, if equipment or facilities to be used by an employing office, but not under the control of the employing office, do not meet applicable health and safety standards or otherwise constitutes a violation of section 215(a), it is the responsibility of the employing office not to permit its employees to utilize such equipment or facilities. In such circumstances, an employing office that did not create or control a violation may avoid liability if, and only if, it proves either that it took reasonable alternative measures to protect its employees against the hazard or that it lacked sufficient expertise to recognize that the equipment or facilities did not meet applicable health and safety standards or otherwise constituted a violation of section 215(a). It is not the responsibility of an employing office to effect the correction of any such deficiencies itself, but this does not relieve it of its duty to use only equipment or facilities that meet the requirements of section 215(a).

PART 1900—ADOPTION OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Sec.
1900.1 Purpose and scope
1900.2 Definitions; provisions regarding scope, applicability, and coverage; and exemptions
1900.3 Adoption of occupational safety and health standards

§ 1900.1 Purpose and scope.

(a) The provisions of this subpart B adopt and extend the applicability of occupational safety and health standards established and promulgated by the Occupational Safety and Health Administration (''OSHA'') and set forth at Parts 1910 and 1926 of title 29 of the Code of Federal Regulations, with respect to every employing office, employee, and employment covered by section 215 of the Congressional Accountability Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed in this Part. Other materials contained in the referenced parts are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporation by reference of part 1926, 29 CFR, is not intended to include references to interpretative rules

having relevance to the application of the Construction Safety Act, but having no relevance to the Occupational Safety and Health Act. Similarly, the incorporation by reference of part 1910, 29 CFR, is not intended to include any reference to the Assistant Secretary of Labor and the authorities of the Assistant Secretary. The authority to adopt, promulgate, and amend or revoke standards applicable to covered employment under the CAA rests with the Board of Directors of the Office of Compliance pursuant to sections 215(d) and 304 of the CAA. Notwithstanding anything to the contrary contained in the incorporated standards, the exclusive means for enforcement of these standards with respect to covered employment are the procedures and remedies provided for in section 215 of the CAA.

(c) This part incorporates the referenced safety and health standards in effect as of the effective date of these regulations.

§ 1900.2 Definitions, provisions regarding scope, applicability and coverage, and exemptions.

(a) Except where inconsistent with the definitions, provisions regarding scope, application and coverage, and exemptions provided in the CAA or other sections of these regulations, the definitions, provisions regarding scope, application and coverage, and exemptions provided in Parts 1910 and 1926, 29 CFR, as incorporated into these regulations, shall apply under these regulations. For example, any reference to ''employer'' in Parts 1910 and 1926 shall be deemed to refer to ''employing office.'' Similarly, any limitation on coverage in Parts 1910 and 1926 to employers engaged ''in a business that affects commerce'' shall not apply in these regulations.

(b) The provision of section 1910.6, 29 CFR, regarding the force and effect of standards of agencies of the U.S. Government and organizations that are not agencies of the U.S. Government, which are incorporated by reference in Part 1910, shall apply to the standards incorporated into these regulations.

(c) It is the Board's intent that the standards adopted in these regulations shall have the same force and effect as applied to covered employing offices and employees under section 215 of the CAA as those standards have when applied by OSHA to employers, employees, and places of employment under the jurisdiction of OSHA and the OSHAct.

§ 1900.3 Adoption of occupational safety and health standards.

(a) *Part 1910 Standards.* The standards prescribed in 29 CFR part 1910, Subparts B through S, and Subpart Z, as specifically referenced and set forth herein at Appendix A, are adopted as occupational safety and health standards under Section 215(d) of the CAA and shall apply, according to the provisions thereof, to every employment and place of employment of every covered employee engaged in work in an employing office. Each employing office shall protect the employment and places of employment of each of its covered employees by complying with the appropriate standards described in this paragraph.

(b) *Part 1926 Standards.* The standards prescribed in 29 CFR part 1926, Subparts C through X and Subpart Z, as specifically referenced and forth herein at Appendix B, are adopted as occupational safety and health standards under Section 215(d) of the CAA and shall apply, according to the provisions thereof, to every employment and place of employment of every covered employee engaged in work in an employing office. Each employing office shall protect the employment and places of employment of each of its covered employees by complying with the appropriate standards described in this paragraph.

(c) *Standards not adopted.* This section adopts as occupational safety and health standards under section 215(d) of the CAA the standards which are prescribed in Parts 1910 and 1926 of 29 CFR. Thus, the standards (substantive rules) published in subparts B through S and Z of part 1910 and subparts C through X and Z of part 1926 are applied. As set forth in Appendix A and Appendix B to this Part, this section does not incorporate all sections contained in these subparts. For example, this section does not incorporate sections 1910.15, 1910.16, and 1910.142, relating to shipyard employment, longshoring and marine terminals, and temporary labor camps, because such provisions have no application to employment within entities covered by the CAA.

(d) Copies of the standards which are incorporated by reference may be examined at the Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. The OSHA standards may also be found at 29 CFR Parts 1910 and 1926. Copies of the standards may also be examined at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, and their regional offices. Copies of private standards may be obtained from the issuing organizations. Their names and addresses are listed in the pertinent subparts of Parts 1910 and 1926, 29 CFR.

(e) Any changes in the standards incorporated by reference in the portions of Parts 1910 and 1926, 29 CFR, adopted herein and an official historic file of such changes are available for inspection at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

APPENDIX A TO PART 1900—REFERENCES TO SECTIONS OF PART 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(D) of the CAA

The following is a reference listing of the sections and subparts of Part 1910, 29 CFR, which are adopted as occupational safety and health standards under section 215(d) of the Congressional Accountability Act. Unless otherwise specifically noted, any reference to a section number includes any appendices to that section.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart B—Adoption and Extension of Established Federal Standards

Sec.
1910.12 Construction work.
1910.18 Changes in established Federal standards.
1910.19 Special provisions for air contaminants.

Subpart C—General Safety and Health Provisions [Reserved]

Subpart D—Walking—Working Surfaces

1910.21 Definitions.
1910.22 General requirements.
1910.23 Guarding floor and wall openings and holes.
1910.24 Fixed industrial stairs.
1910.25 Portable wood ladders.
1910.26 Portable metal ladders.
1910.27 Fixed ladders.
1910.28 Safety requirements for scaffolding.
1910.29 Manually propelled mobile ladder stands and scaffolds (towers).
1910.30 Other working surfaces.

Subpart E—Means of Egress

1910.35 Definitions.
1910.36 General requirements.
1910.37 Means of egress, general.
1910.38 Employee emergency plans and fire prevention plans.
Appendix to Subpart E—Means of Egress

Subpart F—Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms

1910.66 Powered platforms for building maintenance.
1910.67 Vehicle-mounted elevating and rotating work platforms.
1910.68 Manlifts.

Subpart G—Occupational Health and Environmental Control

1910.94 Ventilation.
1910.95 Occupational noise exposure.
1910.96 [Reserved]
1910.97 Nonionizing radiation.

Subpart H—Hazardous Materials

1910.101 Compressed gases (general requirements).
1910.102 Acetylene.
1910.103 Hydrogen.
1910.104 [Reserved]
1910.105 Nitrous oxide.
1910.106 Flammable and combustible liquids.
1910.107 Spray finishing using flammable and combustible materials.
1910.108 Dip tanks containing flammable or combustible liquids.
1910.109 Explosives and blasting agents.
1910.110 Storage and handling of liquefied petroleum gases.
1910.111 Storage and handling of anhydrous ammonia.
1910.112 [Reserved]
1910.113 [Reserved]
1910.119 Process safety management of highly hazardous chemicals.
1910.120 Hazardous waste operations and emergency response.

Subpart I—Personal Protective Equipment

1910.132 General requirements.
1910.133 Eye and face protection.
1910.134 Respiratory protection.
1910.135 Head protection.
1910.136 Foot protection.
1910.137 Electrical protective devices.
1910.138 Hand Protection.

Subpart J—General Environmental Controls

1910.141 Sanitation.
1910.143 Nonwater carriage disposal systems. [Reserved]
1910.144 Safety color code for marking physical hazards.
1910.145 Specifications for accident prevention signs and tags.
1910.146 Permit-required confined spaces.
1910.147 The control of hazardous energy (lockout/tagout).

Subpart K—Medical and First Aid

1910.151 Medical services and first aid.
1910.152 [Reserved]

Subpart L—Fire Protection

1910.155 Scope, application and definitions applicable to this subpart.
1910.156 Fire brigades.
Portable Fire Suppression Equipment
1910.157 Portable fire extinguishers.
1910.158 Standpipe and hose systems.
Fixed Fire Suppression Equipment
1910.159 Automatic sprinkler systems.
1910.160 Fixed extinguishing systems, general.
1910.161 Fixed extinguishing systems, dry chemical.
1910.162 Fixed extinguishing systems, gaseous agent.
1910.163 Fixed extinguishing systems, water spray and foam.
Other Fire Protective Systems.
1910.164 Fire detection systems.
1910.165 Employee alarm systems.
Appendices to Subpart L
Appendix A to Subpart L—Fire Protection
Appendix B to Subpart L—National Consensus Standards
Appendix C to Subpart L—Fire Protection References for Further Information
Appendix D to Subpart L—Availability of Publications Incorporated by Reference

In Section 1910.156 Fire Brigades
Appendix E to Subpart L—Test Methods for Protective Clothing

Subpart M—Compressed Gas and Compressed Air Equipment

1910.166 [Reserved]
1910.167 [Reserved]
1910.168 [Reserved]
1910.169 Air receivers.

Subpart N—Materials Handling and Storage

1910.176 Handling material—general.
1910.177 Servicing multi-piece and single piece rim wheels.
1910.178 Powered industrial trucks.
1910.179 Overhead and gantry cranes.
1910.180 Crawler locomotive and truck cranes.
1910.181 Derricks.
1910.183 Helicopters.
1910.184 Slings.

Subpart O—Machinery and Machine Guarding

1910.211 Definitions.
1910.212 General requirements for all machines.
1910.213 Woodworking machinery requirements.
1910.215 Abrasive wheel machinery.
1910.216 [Reserved].
1910.217 Mechanical power presses.
1910.218 Forging machines.
1910.219 Mechanical power-transmission apparatus.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

1910.241 Definitions.
1910.242 Hand and portable powered tools and equipment, general.
1910.243 Guarding of portable powered tools.
1910.244 Other portable tools and equipment.

Subpart Q—Welding, Cutting, and Brazing.

1910.251 Definitions.
1910.252 General requirements.
1910.253 Oxygen-fuel gas welding and cutting.
1910.254 Arc welding and cutting.
1910.255 Resistance welding.

Subpart R—Special Industries

1910.263 Bakery equipment.
1910.264 Laundry machinery and operations.
1910.265–1910.267 [Reserved].
1910.268 Telecommunications.
1910.269 Electric power generation, transmission, and distribution.

Subpart S—Electrical

General
1910.301 Introduction.
Design Safety Standards for Electrical Systems
1910.302 Electric utilization systems.
1910.303 General requirements.
1910.304 Wiring design and protection.
1910.305 Wiring methods, components, and equipment for general use.
1910.306 Specific purpose equipment and installations.
1910.307 Hazardous (classified) locations.
1910.308 Special systems.
1910.309—1910.330 [Reserved]
Safety-Related Work Practices
1910.331 Scope.
1910.332 Training.
1910.3333 Selection and use of work practices.
1910.334 Use of equipment.
1910.335 Safeguards for personnel protection.
1910.336–1910.360 [Reserved]

Safety-Related Maintenance Requirements

1910.361–1910.380 [Reserved]

Safety Requirements for Special Equipment

1910.381–1910.398 [Reserved]

Definitions

1910.399 Definitions applicable to this subpart.

Appendix A to Subpart S—Reference Documents

Appendix B to Subpart S—Explanatory Data [Reserved]

Appendix C to Subpart S—Tables, Notes, and Charts [Reserved]

Subparts U–Y [Reserved]

1910.442–1910.999 [Reserved]

Subpart Z—Toxic and Hazardous Substances

1910.1000 Air contaminants.
1910.1001 Asbestos.
1910.1002 Coal tar pitch volatiles; interpretation of term.
1910.1003 Carcinogens (4–Nitrobiphenyl, etc.)
1910.1004 alpha-Naphthylamine.
1910.1005 [Reserved]
1910.1006 Methyl chloromethyl ether.
1910.1007 3,3'-Dichlorobenzidine (and its salts).
1910.1008 bis-Chloromethly ether.
1910.1009 beta-Naphthylamine.
1910.1010 Benzidine.
1910.1011 4-Aminodiphenyl.
1910.1012 Ethyleneimine.
1910.1013 beta-Propiolactone.
1910.1014 2-Acetylaminofluorne.
1910.1015 4-Dimethylaminoazobenzene.
1910.1016 N-Nitrosodimethylamine.
1910.1017 Vinyl chloride.
1910.1018 Inorganic arsenic.
1910.1020 Access to employee exposure and medical records.
1910.1025 Lead.
1910.1027 Cadmium.
1910.1028 Benzine.
1910.1029 Coke oven emissions.
1910.1030 Bloodborne pathogens.
1910.1043 Cotton dust.
1910.1044 1,2-dibromo-3-chloropropane.
1910.1045 Acrylonitrile.
1910.1047 Ethylene oxide.
1910.1048 Formaldehyde.
1910.1050 Methylenedianiline.
1910.1096 Ionizing radiation.
1910.1200 Hazard communication.
1910.1201 Retention of DOT markings, placards and labels.
1910.1450 Occupational exposure to hazardous chemicals in laboratories.

APPENDIX B TO PART 1900—REFERENCES TO SECTIONS OF PART 1926, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(D) OF THE CAA

The following is a reference listing of the sections and subparts of Part 1926, 29 CFR, which are adopted as occupational safety and health standards under section 215(d) of the Congressional Accountability Act. Unless otherwise specifically noted, any reference to a section number includes the appendices to that section.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart C—General Safety and Health Provisions

Sec.
1910.20 General safety and health provisions.
1910.21 Safety training and education.
1910.22 Recording and reporting of injuries. [Reserved]
1910.23 First aid and medical attention.
1910.24 Fire protection and prevention.
1910.25 Housekeeping.
1910.26 Illumination.
1910.27 Sanitation.
1910.28 Personal protective equipment.
1910.29 Acceptable certifications.
1910.31 Incorporation by reference.
1910.32 Definitions.
1926.33 Access to employee exposure and medical records.
1926.34 Means of egress.
1926.35 Employee emergency action plans.

Subpart D—Occupational Health and Environmental Controls

1926.50 Medical services and first aid.
1926.51 Sanitation.
1926.52 Occupational noise exposure.
1926.53 Ionizing radiation.
1926.54 Nonionizing radiation.
1926.55 Gases, vapors, fumes, dusts, and mists.
1926.56 Illumination.
1926.57 Ventilation.
1926.58 [Reserved].
1926.59 Hazard communication.
1926.60 Methylenedianiline.
1926.61 Retention of DOT markings, placards and labels.
1926.62 Lead.
1926.63 Cadmium (This standard has been redesignated as 1926.1127).
1926.64 Process safety management of highly hazardous chemicals.
1926.65 hazardous waste operations and emergency response.
1926.66 Criteria for design and construction for spray booths.

Subpart E—Personal Protective and Life Saving Equipment

1926.95 Criteria for personal protective equipment.
1926.96 Occupational foot protection.
1926.97 [Reserved].
1926.98 [Reserved].
1926.99 [Reserved].
1926.100 Head protection.
1926.101 Hearing protection.
1926.102 Eye and face protection.
1926.103 Respiratory protection.
1926.104 Safety belts, lifelines, and lanyards.
1926.105 Safety nets.
1926.106 Working over or near water.
1926.107 Definitions applicable to this subpart.

Subpart F—Fire Protection and Prevention

1926.150 Fire protection.
1926.151 Fire prevention.
1926.152 Flammable and combustible liquids.
1926.153 Liquefied petroleum gas (LP-Gas).
1926.154 Temporary heating devices.
1926.155 Definitions applicable to this subpart.

Subpart G—Signs, Signals, and Barricades

1926.200 Accident prevention signs and tags.
1926.201 Signaling.
1926.202 Barricades.
1926.203 Definitions applicable to this subpart.

Subpart H—Materials Handling, Storage, Use, and Disposal

1926.250 General requirements for storage.
1926.251 Rigging equipment for material handling.
1926.252 Disposal of waste materials.

Subpart I—Tools—Hand and Power

1926.300 General requirements.
1926.301 Hand tools.
1926.302 Power operated hand tools.
1926.303 Abrasive wheels and tools.
1926.304 Woodworking tools.
1926.305 Jacks—lever and ratchet, screw and hydraulic.
1926.306 Air Receivers.
1926.307 Mechanical power-transmission apparatus.

Subpart J—Welding and Cutting

1926.350 Gas welding and cutting.
1926.351 Arc welding and cutting.
1926.352 Fire prevention.
1926.353 Ventilation and protection in welding, cutting, and heating.
1926.354 Welding, cutting and heating in way of preservative coatings.

Subpart K—Electrical

General
1926.401 Introduction.
1926.401 [Reserved].
Installation Safety Requirements

1926.402 Applicability.
1926.403 General requirements.
1926.404 Wiring design and protection.
1926.405 Wiring methods, components, and equipment for general use.
1926.406 Specific purpose equipment and installations.
1926.407 Hazardous (classified) locations.
1926.408 Special systems.
1926.409–1926.415 [Reserved].

Safety-Related Work Practices

1926.416 General requirements.
1926.417 Lockout and tagging of circuits.
1926.418–1926.430 [Reserved].

Safety-Related Maintenance and Environmental Considerations

1926.431 Maintenance of equipment.
1926.432 Environmental deterioration of equipment.
1926.433–1926.440 [Reserved]

Safety Requirements For Special Equipment

1926.441 Battery locations and battery charging.
1926.442–1926.448 [Reserved]
Definitions .....
1926.449 Definitions applicable to this subpart.

Subpart L—Scaffolding

1926.450 [Reserved]
1926.451 Scaffolding.
1926.452 Guardrails, handrails, and covers.
1926.453 Manually propelled mobile ladder stands and scaffolds (towers).

Subpart M—Fall Protection

1926.500 Scope, application, and definitions applicable to this subpart.
1926.501 Duty to have fall protection.
1926.502 Fall protection systems criteria and practices.
1926.503 Training requirements.

Appendix A to Subpart M—Determining Roof Widths

Appendix B to Subpart M—Guardrail Systems

Appendix C to Subpart M—Personal Fall Arrest Systems

Appendix D to Subpart M—Positioning Device Systems

Appendix E to Subpart M—Sample Fall Protection Plans

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

1926.550 Cranes and derricks.
1926.551 Helicopters.
1926.552 Material hoists, personnel hoists and elevators.
1926.553 Base-mounted drum hoists.
1926.554 Overhead hoists.
1926.555 Conveyors.
1926.556 Aerial lifts.

Subpart O—Motor Vehicles and Mechanized Equipment

1926.600 Equipment.
1926.601 Motor vehicles.
1926.602 Material handling equipment.
1926.603 Pile driving equipment.
1926.604 Site clearing.

Subpart P—Excavations

1926.650 Scope, application, and definitions applicable to this subpart.
1926.651 Specific excavation requirements.
1926.652 Requirements for protective systems.

Appendix A to Subpart P—Soil Classification

Appendix B to Subpart P—Sloping and Benching

Appendix C to Subpart P—Timber Shoring for Trenches

Appendix D to Subpart P—Aluminum Hydraulic Shoring for Trenches

Appendix E to Subpart P—Alternatives to Timber Shoring

Appendix F to Subpart P—Selection of Protective Systems

Subpart Q—Concrete and Masonry Construction

1926.700 Scope, application, and definitions, applicable to this subpart.
1926.701 General requirements.
1926.702 Requirements for equipment and tools.
1926.703 Requirements for cast-in-place concrete.
1926.704 Requirements for precast concrete.
1926.705 Requirements for lift-slab construction operations.
1926.706 Requirements of masonry construction.

Appendix to Subpart Q—References to Subpart Q of Part 1926

Subpart R—Steel Erection

1926.750 Flooring requirements.
1926.751 Structural steel assembly.
1926.752 Bolting, riveting, fitting-up, and plumbing-up.
1926.753 Safety Nets.

Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

1926.800 Underground construction.
1926.801 Caissons.
1926.802 Cofferdams.
1926.803 Compressed air.
1926.804 Definitions applicable to this subpart.

Appendix A to Subpart S—Decompression Tables

Subpart T—Demolition

1926.850 Preparatory operations.
1926.851 Stairs, passageways, and ladders.
1926.852 Chutes.
1926.853 Removal of materials through floor openings.
1926.854 Removal of walls, masonry sections, and chimneys.
1926.855 Manual removal of floors.
1926.856 Removal of walls, floors, and material with equipment.
1926.857 Storage.
1926.858 Removal of steel construction.
1926.859 Mechanical demolition.
1926.860 Selective demolition by explosives.

Subpart U—Blasting and use of Explosives

1926.900 General provisions.
1926.901 Blaster qualifications.
1926.902 Surface transportation of explosives.
1926.903 Underground transportation of explosives.
1926.904 Storage of explosives and blasting agents.
1926.905 Loading of explosives or blasting agents.
1926.906 Initiation of explosive charges—electric blasting.
1926.907 Use of safety fuse.
1926.908 Use of detonating cord.
1926.909 Firing the blast.
1926.910 Inspection after blasting.
1926.911 Misfires.
1926.212 Underwater blasting.
1926.913 Blasting in excavation work under compressed air.
1926.914 Definitions applicable to this subpart.

Subpart V—Power Transmission and Distribution

1926.950 General requirements.
1926.941 Tools and protective equipment.
1926.952 Mechanical equipment.
1926.953 Material handling.
1926.954 Grounding for protection of employees.
1926.955 Overhead lines.
1926.956 Underground lines.
1926.957 construction in energized substations.
1926.958 External load helicopters.
1926.959 Lineman's body belts, safety straps, and lanyards.
1926.960 Definitions applicable to this subpart.

Subpart W—Rollover Protective Structures; Overhead Protection

1926.1000 Rollover protective structures (ROPS) for material handling equipment.
1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.
1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.
1926.1003 Overhead protection for operators of agricultural and industrial tractors.

Subpart X—Stairways and Ladders

1926.1050 Scope, application, and defintions applicable to this subpart.
1926.1051 General Requirements.
1926.1052 Stairways.
1926.1053 Ladders.
1926.1054–1926.1059 [Reserved]
1926.1060 Training Requirements.

Appendix A to Subpart X—Ladders

Subpart Z—Toxic and Hazardous Substances

1926.1100 [Reserved]
1926.1101 Asbestos.
1926.1102 Coal tar pitch volatiles; interpretation of term.
1926.1103 44-Nitrobiphenyl.
1926.1104 alpha-Naphthylamine.
1926.1105 [Reserved]
1926.1106 Methyl chloromethyl ether.
1926.1107 3.3'-Dichlorobenzidine (and its salts).
1926.1108 bis-Chloromethyl ether.
1926.1109 beta-Naphthylamine.
1926.1110 Benzidine.
1926.1111 4–Aminodiphenyl.
1926.1112 Ethyleneimine.
1926.1113 beta–Propiolactone.
1926.1114 2–Acetylaminofluorence.
1926.1115 4–Dimethylaminoazobenzene.
1926.1116 N–Nitrosodimethylamine.
1926.1117 Vinyl chloride.
1926.1118 Inorganic arsenic.
1926.1127 Cadmium.
1926.1128 Benzene.
1926.1129 Coke oven emissions.
1926.1144 1,2–dibromo–3–chloropropane.
1926.1145 Acrylonitrile.
1926.1147 Ethylene oxide.
1926.1148 Formaldehyde.

Appendix A to Part 1926—Designations for General Industry Standards

NOTICE OF ADOPTION OF REGULATIONS

U.S. Congress,
Office of Compliance,
Washington, DC, December 20, 1996.

Hon. Newt Gingrich,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to Section 210(e).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

Glen D. Nager,
Chair of the Board.

Enclosure

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors, Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published September 19, 1996, in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 210 of the Congressional Accountability Act of 1995 (''CAA'').

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, Library of Congress, Washington, DC 20540–1999. Telephone: (202) 724–9250. TDD: (202) 426–1912.

SUPPLEMENTARY INFORMATION

Background and Summary

The Congressional Accountability Act of 1995 (''CAA''), P.L. 104–1, was enacted into law on January 23, 1995. 2 U.S.C. §§1301 *et seq.* In general, the CAA applies the rights and protections of eleven federal labor and employment statutes to covered employees and entities within the legislative branch. Section 210(b) provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA'') shall apply to specified Legislative Branch entities. 2 U.S.C. §1331(b). Title II of the ADA generally prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any ''public entity.'' Section 210(b)(2) of the CAA defines the term ''public entity'' for Title II purposes as any entity listed above that provides public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA generally prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards.

Section 210(e) of the CAA requires the Board of Directors of the Office of Compliance established under the CAA to issue regulations implementing the section. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations ''shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' *Id.* Section 210(e) further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation, 2 U.S.C. §1331(e).

On September 19, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking (''NPR'') (142 Cong. Rec. S11019 (daily ed., Sept. 19, 1996)). In response to the NPR, the Board received three written comments.[1] After full consideration of the comments received in response to the proposed regulations, the Board has adopted and is submitting these regulations for approval by the Congress.

I. Summary of Comments and Board's Final Rules

A. Request for Additional Rulemaking Proceedings

One commenter requested that the Board withdraw its proposed regulations and engage in what it termed ''investigative rulemaking,'' which apparently is to include discussions with involved parties regarding the nature and scope of the regulations. This request was also made by the commenter regarding the proposed rules under section 215, which the Board has discussed in the preamble to the final rules submitted concurrently with these rules. The Board determines that further rulemaking proceedings are not required for the reasons set forth in the preamble to the final rules under section 215.

B. Specific Issues Regarding Adoption of the Attorney General's Title II Regulations

1. *Self-evaluation, notice, and designation of responsible employee and adoption of grievance provisions (sections 35.105, 35.106, and 35.107).*

The Board proposed adoption of the Attorney General's regulations at sections 35.106 through 35.107, which require covered entities to conduct a self-evaluation of their facilities for compliance with disability access requirements and to provide notice to individuals informing them of their rights and protections under the ADA and, for entities that employ 50 or more employees, to maintain the self-evaluation on file and available for inspection for three years, designate a responsible employee, and adopt a grievance procedure.

One commenter argued that, although these sections are within the scope of regulations to be adopted under section 210(e), there is ''good cause'' not to adopt the self-evaluation requirements of section 35.105. In the commenter's view, the General Counsel's inspections under section 210(f) of the CAA serve the same purpose as the self-evaluation under section 35.105 of the Attorney General's regulations. The Board does not agree.

In order to modify an adopted regulation, the Board must have good cause to believe that the modification would be ''more effective'' for the implementation of the rights and responsibilities under section 210. 2 U.S.C. §1331. That a regulatory requirement may arguably serve the same purpose as other statutory requirements of the CAA does not establish that its elimination would result in a ''more effective'' implementation of section 210 rights and protections.

On the contrary, requiring entities to conduct a self-evaluation after January 1, 1997 (the effective date of section 210), and requiring larger entities to retain a record of that self-evaluation, would likely assist the General Counsel in conducting the section 210(f) inspections for the 105th Congress in an expeditious manner. Moreover, it is conceivable that a self-evaluation might reveal information or raise accessibility issues that may not arise from the General Counsel's inspections. Thus, in the Board's view, requiring entities to proactively investigate their facilities and activities for compliance, rather than placing sole reliance on the General Counsel's inspections, would enhance overall compliance with section 210. Because there is no ''good cause'' to modify section 35.105, the Board adopts it, as proposed in the NPR.

2. *Employment discrimination provisions (section 35.140).*

The Board proposed adoption of the employment discrimination provisions of section 35.140 as part of its regulations under section 210(e) of the CAA. But the Board also proposed to add a statement that, pursuant to section 210(c) of the CAA, section 201 provided the exclusive remedy for any such act of employment discrimination.

Two commenters recommended that the Board not adopt section 35.140. One commenter argued that section 35.140 implements title I of the ADA (which is not incorporated into section 210 of the CAA). The two commenters also argued that the Board's adoption of section 35.140 might be misinterpreted as an adoption of the ADA regulations of the Equal Employment Opportunity Commission (''EEOC'') and, therefore, constitute improper executive branch enforcement of the CAA.

The Board has carefully considered these comments and, after doing so, has determined that adoption of section 35.140, as proposed, is appropriate. Contrary to the commenter's statement, section 35.140 was promulgated by the Attorney General to implement title II of the ADA, which the Attorney General has interpreted to apply to all activities of a public entity, including employment. *See* 56 Fed. Reg. at 35707 (preamble to final rule regarding part 35). Accordingly, since section 35.140 implements a provision of title II of the ADA that is made applicable to covered entities under section 210(b) of the CAA, it is within the scope of Board rulemaking authority and mandate under section 210(e) of the CAA.

The EEOC's ADA regulations referenced in section 35.140 are effective only insofar as such regulations are relevant to a covered employee's claim under title II of the ADA, as applied by section 210. By adopting section 35.140, the Board does not intend to establish rights or provide substantive legal rules applicable to any claim under title I of the ADA, as applied by section 201 of the ADA; however, the Board recognizes that this distinction between titles I and II of the ADA may, as a practical matter, be blurred since both types of claims might conceivably be brought in a single employment discrimination case under section 201 of the CAA. Moreover, adoption of section 35.106 would not constitute executive branch enforcement since any claim (and the resulting interpretation of the law thereof) would be in a proceeding under section 201 of the CAA before the hearing officer of the Office and/or before the Board.

Accordingly, section 35.106 will be included within the Board's final regulations.

3. *Substitution of the terms ''disability'' for handicaps'' and ''TTY's'' for ''TDD's'' (sections 35.150, and sections 35.104 and 35.161).*

The Board will substitute the term ''disability'' for ''handicap'' in section 35.150(b)(2)(ii) of the regulations, as recommended by a commenter.

In sections 35.104 and 35.161 and elsewhere in the proposed regulations, the Board substituted the term ''text telephones'' (''TTY's'') for ''telecommunication devices for the deaf' (''TDD's''), which was used in the text of the regulations. The Board will use the terms used by the Attorney General in the regulations, as recommended by one commenter.

4. *Subpart F (Compliance Procedures).*

In the NPR, the Board determined that Subpart F, which sets forth administrative enforcement procedures under title II of the ADA, implements provisions of the ADA which are applied by section 210(b) of the

[1] One of these commenters made no comments regarding any specific portion of the proposed rules, except to encourage the Board to ensure that the anti-retaliation provisions of section 207 of the CAA are applied to the statutory and regulatory proceedings under section 210. As the Board noted in the NPR, although section 207 provides a comprehensive retaliation protection for employees (including applicants and former employees who may invoke their rights under section 210), section 207 does not apply to nonemployees who may enjoy rights and protections against discrimination under section 210.

CAA and, therefore, is within the Board's rulemaking authority under section 210(e)(2). The Board expressed its intention to adopt Subpart F as regulations under section 210(e), but also to incorporate those provisions into the Office's procedural rules, with appropriate modification to conform to section 210 and preexisting provisions of the Office's procedural rules.

Two commenters have requested that the provisions of Subpart F, with the Board's intended modifications to conform to the statute, be included within the Board's regulations herein so that the text of these regulations may be considered and approved by the Congress. As the Board determined in the NPR, Subpart F is within the scope of rulemaking under section 210(e). Moreover, the provisions of Subpart F apply only to claims under section 210 of the CAA and are in no way duplicative of other procedures already adopted under section 303 of the CAA. Accordingly, the final regulations include Subpart F, with appropriate modification to conform to the statutory procedures of section 210(e). The Board will renumber Subpart F as new Part 2 of the final regulations to make clear that such procedures govern proceedings under section 210, including those brought under title II or title III. There is ''good cause'' to have one set of procedures governing claims under section 210.

C. Specific Issues Regarding the Attorney General's Title III Regulations

1. *Section 36.104 (Defintions).*

One commenter recommended that the definition of ''place of public accommodation'' in proposed section 36.104, which lists the kinds of facilities or activities that may meet the definition, delete references to terms such as ''inn,'' ''hotel,'' ''motel,'' ''motion picture house,'' etc., since such facilities do not exist within the Legislative Branch. But the definition of ''place of public accommodation'' contained in section 36.104 tracks the statutory language of section 301(7) of the ADA. The terms used in section 36.104 are merely representative examples of the types of facilities that fall within the 12 categories of ''places of public accommodation'' in the statute. *See* 56 Fed. Reg. at 7458 (preamble to Attorney General's title III regulations). The Board finds no basis for concluding that deletion of these references would be ''more effective'' for the implementation of title II to cover entities. Accordingly, the Board will not alter this definition.

2. *Section 36.207 (Places of public accommodation in private residences).*

The Board proposed adoption of section 36.207 of the Attorney General's title III regulations, which deal with the situation where all or part of a residence may be used as a place of public accommodation. One commenter requested that the Board exempt House Members' residences from this regulation because, in the commenter's view, it would be unnecessary and burdensome for a Member, potentially in office for only two years, to be required to incur large financial expenses in making modifications to his/her home to comply with section 210.

The commenter's concern is apparently based on the erroneous assumption that compliance with section 210 would, in all cases, require a Member using his/her residence as a District Office to make expensive and extensive physical alterations in the residence to meet the law's requirements. On the contrary, as the General Counsel made clear in his Report to the Congress on compliance with section 210, ''[a]lthough it is sometimes the case that accessibility requires barrier removal as the only effective option, most covered entities can meet ADA requirements by modifying the way their programs are operated to ensure that individuals with disabilities may have access to them.'' General Counsel's Report at p. 5. Moreover, to the Board's knowledge, no Member is required to use his/her residence as a location for the Member's public activity. Thus, one option for that Member would be to locate his/her public activity (the District Office, constituent meetings, public gatherings, etc.) in a separate office or other appropriate facility. Still other compliance options in this context (including technical assistance to meet accessibility standards) may be acceptable to the General Counsel, who has enforcement authority regarding compliance under section 210.

In any event, the Board may not entertain a request to exempt any entity by regulation from the coverage of the CAA, in whole or in part, without statutory authorization. Nothing in section 210, the provisions of the ADA applied thereunder, or the Attorney General's regulations adopted by the Board, authorizes the Board to provide regulatory exemptions from the public accommodations accessibility requirements. *See White v. INS*, 75 F.3d 213, 215 (5th Cir. 1996) (agency cannot promulgate even substantive rules that are contrary to statute).

The Board also declines the commenter's suggestion that the Board modify section 35.207 to impose section 210 requirements only if the Member uses the home as a public accommodation ''regularly or on a day-to-day basis.'' If an entity's facility or activity constitutes a ''place of public accommodations'' under the provisions of title III of the ADA, as applied by section 210 of the CAA, the duty to meet accessibility requirements applies, regardless of whether the operator of the public accommodation maintains the accommodation on a permanent, temporary, seasonal, or intermittent basis. Under the statute, once the conditions of coverage are met, the obligation to ensure accessibility attaches so long as the portion of the facility at issue continues to constitute a ''place of public accommodation.'' This statutory requirement cannot be altered by the Board.

3. *Section 36.305(c) (Access to Multiplex Cinemas).*

The Board will delete proposed section 36.305(c) (relating to accessibility standards for multiplex cinemas) from its final regulations, as recommended by two commenters, because it does not appear to have any conceivable applicability to facilities in the Legislative Branch.

4. *Capitol buildings and grounds as historical properties.*

One commenter has requested that the Board issue regulations declaring the Capitol Buildings and grounds as historical properties for section 210 purposes, based on statutes the commenter contends establish the recognition of the historic nature of such properties by Congress. *See, e.g.,* 40 U.S.C. §§71a, 162–63. However, neither section 210 of the CAA, the provisions of the ADA applied thereunder, nor the Attorney General's regulations adopted by the Board authorizes the Board to declare in its regulations any particular properties as historic. The historic nature of such properties, if relevant in a proceeding under section 210, may be raised and established by the appropriate responding entity before the General Counsel in an investigatory proceeding and/or before the hearing officer or the Board in an appropriate adjudicatory proceeding.

D. Future Changes in Text of Disability Access Standards

The commenters generally agreed with the Board's proposed approach regarding future changes in the regulations of the Attorney General and/or the Secretary of Transportation. However, one commenter suggested that the Board expressly state the manner and frequency by which it and the Office plan to inform covered entities and employees of such changes in such rules and materials. As stated in the NPR, the Board will make any changes in the regulations under the procedures of section 304 of the CAA. Those changes will be made as frequently as needed and it is impossible in the abstract for the Board to establish a pre-set schedule under which as yet unanticipated and unknown changes to regulations will be made.

One commenter expressed concern that the Board not make changes to any external documents or standards without following the rulemaking procedures of section 304 of the CAA. The Board agrees that any changes to the regulations themselves should be subject to ordinary rulemaking procedures under section 304. However, adoption of changes to the text of external documents, such as the ADA Accessibility Guidelines for Buildings and Facilities included as an appendix to the Attorney General's part 36 regulations, should not be subject to notice and comment under section 304 unless the Attorney General makes changes to such external documents pursuant to a notice and comment procedures of the APA. Where changes in those standards are adopted by the Attorney General without notice and comment under the Administrative Procedure Act, such changes are not within the Board's definition of ''substantive regulations to implement'' the ADA and thus the notice and comment procedures would not be required to make such changes under the CAA. *See* 142 Cong. Rec. at S11020. Of course, if changes in the appendices and other external documents are made by the Attorney General pursuant to the notice and comment procedures of the APA, the Board would likewise be required to follow the procedures of section 304 of the CAA to adopt those changes.

E. Technical and nomenclature changes

One commenter has suggested a number of technical and nomenclature changes to the text of the proposed regulations. The Board has considered each of the suggested changes and, where appropriate, incorporated them into the final regulations. However, unless otherwise expressly stated, by making such changes, the Board does not intend a substantive change in the meaning of the regulations.[2]

II. METHOD OF APPROVAL

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the proposed regulations that shall apply to other covered employees and entities should be approved by the Congress by concurrent resolution.

[2] An example of one technical or nomenclature change that the Board does not adopt is the suggestion that the term ''public'' be deleted from proposed section 35.102(a) (modifying ''services, programs, or activities''), since it does not appear in the text of the Attorney General's regulations. However, in contrast to title II of the ADA, which applies to *all* activities of a covered public entity (whether public or nonpublic), section 210(b)(2) makes clear that a legislative Branch entity is a defined covered entity if it ''provides public services, programs, or activities.'' Thus, the addition of the term ''public'' in proposed section 35.102(a) is a ''technical'' change in the Attorney General's regulations required by the language of section 210(b) of the CAA.

Signed at Washington, D.C. on this 20th day of December, 1996.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations:

Adopted Regulations

APPLICATION OF RIGHTS AND PROTECTIONS OF THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS (SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995)

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Sec.
1.101 Purpose and scope
1.102 Definitions
1.103 Notice of protection
1.104 Authority of the Board
1.105 Method for identifying the entity responsible for correction of violations of section 210

§ 1.101 Purpose and scope.

(a) *Section 210 of the CAA.* Enacted into law on January 23, 1995, the Congressional Accountability Act (''CAA'') directly applies the rights and protections of eleven federal labor and employment law and public access statutes to covered employees and employing offices within the legislative branch. Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Title II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182,, 12183, and 12189 (''ADA'') shall apply to the following entities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician and

(9) the Office of Compliance.

2 U.S.C. §1331(b). Title II of the ADA generally prohibits discrimination on the basis of disability in the provision of public services, programs, activities by any ''public entity.'' Section 210(b)(2) of the CAA provides that for the purpose of applying Title II of the ADA the term ''public entity'' means any entity listed above that provides public services, programs, or activities. Title III of the ADA generally prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Section 225(f) of the CAA provides that, ''[e]xcept where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions of the [ADA] shall apply under this Act.'' 2 U.S.C. §1361(f)(1).

Section 210(f) of the CAA requires that the General Counsel of the Office of Compliance on a regular basis, and at least once each Congress, conduct periodic inspections of all covered facilities and to report to Congress on compliance with disability access standards under section 210. 2 U.S.C. §1331(f).

(b) *Purpose and scope of regulations.* The regulations set forth herein (Parts 1, 35, 36, 37, and 38) are the substantive regulations that the Board of directors of the Office of Compliance has promulgated pursuant to section 210(e) of the CAA. Part 1 contains the general provisions applicable to all regulations under section 210, including the method of identifying entities responsible for correcting a violation of section 210. Part 35 contains the provisions regarding nondiscrimination on the basis of disability in the provision of public services, programs, or activities of covered entities. Part 36 contains the provisions regarding nondiscrimination on the basis of disability by public accommodations. Part 37 contains the provisions regarding transportation services for individuals with disabilities. Part 38 contains the provisions regarding accessibility specifications for transportation vehicles.

§ 1.102 Definitions.

Except as otherwise specifically provided in these regulations, as used in these regulations:

(a) *Act* or *CAA* means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(b) *ADA* means the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. §§12131–12150, 12182, 12183, and 12189) applied to covered entities by Section 210 of the CAA.

(c) The term *covered entity* includes any of the following entities that either provides public services, programs, or activities, and/or that operates a place of public accommodation within the meaning of section 210 of the CAA: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; and (9) the Office of Compliance.

(d) *Board* means the Board of Directors of the Office of Compliance.

(e) *Office* means the Office of Compliance.

(f) *General Counsel* means the General Counsel of the Office of Compliance.

§ 1.103 Notice of protection.

Pursuant to section 301(h) of the CAA, the Office shall prepare, in a manner suitable for posting, a notice explaining the provisions of section 210 of the CAA. Copies of such notice may be obtained from the Office of Compliance.

§ 1.104 Authority of the Board.

Pursuant to sections 210 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections against discrimination on the basis of disability in the provision of public services and accommodations under the incorporated provisions of the ADA. Section 210(e) of the CAA directs the Board to promulgate regulations implementing section 210 that are ''the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' 2 U.S.C. §1331(e). The regulations issued by the Board herein are on all matters for which section 210 of the CAA requires a regulation to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of section 210 of the CAA]'' that need be adopted.

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Attorney General and the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the Legislative Branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Attorney General and/or the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulations or of the statutory provisions of the CAA upon which they are based.

§ 1.105 Method for identifying the entity responsible for correction of violations of section 210.

(a) *Purpose and Scope.* Section 210(e)(3) of the CAA provides that regulations under section 210(e) include a method of identifying, for purpose of this section and for categories of violations of section 210(b), the entity responsible for correcting a particular violation. This section 1.105 sets forth the method for identifying responsible entities for the purpose of allocating responsibility for correcting violations of section 210(b).

(b) *Categories of violations.* Violations of the rights and protections established in section 210(b) of the CAA that may form the basis for a charge filed with the General Counsel under section 210(d)(1) of the CAA or for a complaint filed by the General Counsel under section 210(d)(3) of the CAA fall into one (or both) of two categories:

(i) *Title II violations.* A covered entity may violate section 210(b) if it discriminates against a qualified individual with a disability within the meaning of those provisions of Title II of the ADA (sections 210 through 230), applied to Legislative Branch entities under section 210(b) of the CAA.

(ii) *Title III violations.* A covered entity may also violate section 210(b) if it discriminates against a qualified individual with a disability within the meaning of those provisions of Title III of the ADA (sections 302, 303, and 309) applied to Legislative Branch entities under section 210(b) of the CAA.

(c) *Entity Responsible for Correcting a Violation of Title II Rights and Protections.* Correction of a violation of the rights and protections against discrimination under Title II of the ADA, as applied by section 210(b) of the CAA, is the responsibility of any entity listed in subsection (a) of section 210 of the CAA that is a ''public entity,'' as defined by section 210(b)(2) of the CAA, and that provides the specific public service, program, or activity that forms the basis for the particular violation of title II rights and protections set forth in the charge of discrimination filed with the General Counsel under section 210(d)(1) of the CAA or the complaint filed by the General Counsel with the Office under section 210(d)(3) of the CAA. As used in this section, an entity provides a public service, program, or activity if it does so itself, or by a person or other entity (whether public or private and regardless of whether that entity is covered under the CAA) under a contractual or other arrangement or relationship with the entity.

(d) *Entity Responsible for Correction of Title III Rights and Protections.* Correction of a violation of the rights and protections against

discrimination under Title III of the ADA, as applied by section 210(b) of the CAA, is the responsibility of any entity listed in subsection (a) of section 210 of the CAA that ''operates a place of public accommodation'' (as defined in this section) that forms the basis, in whole or in part, for the particular violation of Title III rights and protections set forth in the charge filed with the General Counsel under section 210(d)(1) of the CAA and/or the complaint filed by the General Counsel with the Office under section 210(d)(3) of the CAA.

(i) Definitions.

As used in this section:

Public accommodation has the meaning set forth in Part 36 of these regulations.

Operates, with respect to the operations of a place of public accommodation, includes the superintendence, control, management, or direction of the function of the aspects of the public accommodation that constitute an architectural barrier or communication barrier that is structural in nature, or that otherwise forms the basis for a violation of the rights and protections of Title III of the ADA as applied under section 210(b) of the CAA.

(ii) As used in this section, an entity operates a place of public accommodation if it does so itself, or by a person or other entity (whether public or private and regardless of whether that entity is covered under the CAA) under a contractual or other arrangement or relationship with the entity.

(e) *Allocation of Responsibility for Correction of Title II and/or Title III Violations.* Where more than one entity is deemed an entity responsible for correction of a violation of Title II and/or Title III rights and protections under the method set forth in this section, as between those parties, allocation of responsibility for complying with the obligations of Title II and/or Title III of the ADA as applied by section 210(b), and for correction of violations thereunder, may be determined by contract or other enforceable arrangement or relationship.

PART 2—INVESTIGATION AND ENFORCEMENT PROCEDURES

Sec.
2.101 Charge filed with the General Counsel
2.102 Service of charge or notice of charge
2.103 Investigations by the General Counsel
2.104 Mediation
2.105 Dismissal of charge
2.106 Complaint by the General Counsel
2.107 Settlement of complaints
2.108 Compliance date

§2.101 Charge filed with the General Counsel.

(a) *Who may file.*

(1) Any qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), as applied by section 210 of the CAA and section 35.104 of the Board's regulations thereunder, who believes that he or she has been subjected to discrimination on the basis of a disability in violation of section 210 of the CAA by a covered entity, may file a charge against any entity responsible for correcting the violation with the General Counsel. A charge may not be filed under section 210 of the CAA by a covered employee alleging employment discrimination on the basis of disability; the exclusive remedy for such discrimination are the procedures under section 201 of the CAA and subpart B of the Office's procedural rules.

(b) *When to file.* A charge under this section must be filed with the General Counsel not later than 180 days from the date of the alleged discrimination.

(c) *Form and Contents.* A charge shall be written or typed on a charge form available from the Office. All charges shall be signed and verified by the qualified individual with a disability (hereinafter referred to as the ''charging party''), or his or her representative, and shall contain the following information:

(i) the full name, mailing address, and telephone number(s) of the charging party;

(ii) the name, address, and telephone number of the covered entit(ies) against which the charge is brought, if known (hereinafter referred to as the ''respondent'');

(iii) the name(s) and title(s) of the individual(s), if known, involved in the conduct that the charging party claims is a violation of section 210 and/or the location and description of the places or conditions within covered facilities that the charging party claims is a violation of section 210;

(iv) a description of the conduct, locations, or conditions that form the basis of the charge, and a brief description of why the charging party believes the conduct, locations, or conditions is a violation of section 210; and

(v) the name, address, and telephone number of the representative, if any, who will act on behalf of the charging party.

§2.102 Service of charge or notice of charge

Within ten (10) days after the filing of a charge with the General Counsel's Office (excluding weekends or holidays), the General Counsel shall serve the respondent with a copy of the charge, by certified mail, return receipt requested, or in person, except when it is determined that providing a copy of the charge would impede the law enforcement functions of the General Counsel. Where a copy of the charge is not provided, the respondent will be served with a notice of the charge within ten (10) days after the filing of the charge. The notice shall include the date, place and circumstances of the alleged violation of section 210. Where appropriate, the notice may include the identify of the person filing the charge.

§2.103 Investigations by the General Counsel

The General Counsel or the General Counsel's designated representative shall promptly investigate each complaint alleging violations of section 210 of the CAA. As part of the investigation, the General Counsel will accept any statement of position or evidence with respect to the charge which the charging party or the respondent wishes to submit. The General Counsel will use other methods to investigate the charge, as appropriate.

§2.104 Mediation

If, upon investigation, the General Counsel believes that a violation of section 210 may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 403 of the CAA and the Office's procedural rules thereunder, between the charging party and any entity responsible for correcting the alleged violation.

§2.105 Dismissal of charge

Where the General Counsel determines that a complaint will not be filed, the General Counsel shall dismiss the charge.

§2.106 Complaint by the General Counsel

(a) After completing the investigation, and where mediation under section 2.104, if any, has not succeeded in resolving the dispute, and where the General Counsel has not settled or dismissed the charge, and if the General Counsel believes that a violation of section 210 may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation.

(b) The complaint filed by the General Counsel under subsection (a) shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405 of the CAA. Any person who has filed a charge under section 2.101 of these rules may intervene as of right with the full rights of a party. The procedures of sections 405 through 407 of the CAA and the Office's procedural rules thereunder shall apply to hearings and related proceedings under this subpart.

§2.107 Settlement of Complaints

Any settlement entered into by the parties to any process described in this subpart shall be in writing and not become effective unless it is approved by the Executive Director under section 414 of the CAA and the Office's procedural rules thereunder.

§2.108 Compliance Date

In any proceedings under this section, if it is demonstrated by the entity responsible for correcting the violation of a violation of section 210, compliance shall take place as soon as possible, but not later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

PART 35—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC SERVICES, PROGRAMS, OR ACTIVITIES

Subpart A—General

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35.101 Purpose.
35.102 Application.
35.103 Relationship to other laws.
35.104 Definitions.
35.105 Self-evaluation.
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Subpart B—General Requirements

35.130 General prohibitions against discrimination.
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Subpart C—Employment

35.140 Employment discrimination prohibited.
35.141–35.148 [Reserved]

Subpart D—Program Accessibility

35.149 Discrimination prohibited.
35.150 Existing facilities.
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Subpart E—Communications

35.160 General.
35.161 Telecommunication devices for the deaf (TDD's).
35.162 Telephone emergency services.
35.163 Information and signage.
35.164 Duties.
35.165–35.169 [Reserved]
35.170–35.189 [Reserved]
35.190–35.999 [Reserved]

Subpart A—General

§35.101 Purpose.

The purpose of this part is to effectuate section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 *et seq.) which, inter alia,* applies the rights and protections of subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150), which prohibits discrimination on the basis of disability by public entities.

§35.102 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all public services, programs, and activities provided or made available by public entities as defined by section 210 of the Congressional Accountability Act of 1995.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA, as applied by section 210 of the Congressional Accountability Act, they are not subject to the requirements of this part.

§35.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws otherwise applicable to covered entities that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§35.104 Definitions.

For purposes of this part, the term—

Act or *CAA* means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

ADA means the Americans with Disabilities Act (42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611), as applied to covered entities by section 210 of the CAA.

Auxiliary aids and services includes—

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

Board means the Board of Directors of the Office of Compliance.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *pysical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

General Counsel means the General Counsel of the Office of Compliance.

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

Public entity means any of the following entities that provides public services, programs, or activities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended.

§35.105 Self-evaluation.

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

§35.106 Notice.

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the public services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the CAA and this part.

§35.107 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) *Complaint procedure.* A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

§ 35.108–35.129 [Reserved]

Subpart B—General Requirements

§ 35.130 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the public services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)(1) A public entity, in providing any public aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in, or benefit from, the public aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the public aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with a public aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate public aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others, unless such action is necessary to provide qualified individuals with disabilities with public aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any public aid, benefit, or service to beneficiaries of the public entity's program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the public aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in public services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's public program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entity are subject to common administrative control.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the public benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the public service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the public programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The public programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the public service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any public service, program, or activity, unless such criteria can be shown to be necessary for the provision of the public service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing public benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer public services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the CAA or this part which such individual chooses not to accept.

(2) Nothing in the CAA or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the CAA or this part.

(g) A public entity shall not exclude or otherwise deny equal public services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 35.131 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully,

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public entity shall not deny public health services, or public services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

§ 35.132 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

§ 35.133 Maintenance of accessible features.

(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the CAA or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§ 35.134 [Reserved]

§ 35.135 Personal devices and services.

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

§§ 35.136–35.139 [Reserved]

Subpart C—Employment

§ 35.140 Employment discrimination prohibited.

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(b)(1) For purposes of this part, the requirements of title I of the Americans With Disabilities Act (''ADA''), as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I of the ADA, as applied by section 201 of the CAA.

(2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I of the ADA, as applied by section 201 of the CAA.

(c) Notwithstanding anything contained in this subpart, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of the CAA.

§§35.141–35.148 [Reserved]

Subpart D—Program Accessibility

§35.149 Discrimination prohibited.

Except as otherwise provided in §35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the public services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

§35.150 Existing facilities.

(a) *General.* A public entity shall operate each public service, program, or activity so that the public service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a public service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the public service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the public benefits or services provided by the public entity.

(b) *Methods*—(1) *General.* A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its public services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of §35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer public services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs.* In meeting the requirements of §35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance.* Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made by within three years of January 1, 1997, but in any event as expeditiously as possible.

(d) *Transition plan.* (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 1, 1997, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the CAA, including covered offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its public programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

§35.151 New construction and alterations.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 1, 1997.

(b) *Alteration.* Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 1, 1997.

(c) *Accessibility standards.* Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix B to Part 36 of these regulations) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to Part 36 of these regulations) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at 4.1.3(5) and 4.1.6(1(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties.* (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of §35.150.

(e) *Curb ramps.* (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

§§35.152—35.159 [Reserved]

Subpart E—Communications

§35.160 General.

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a public service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

§35.161 Telecommunications devices for the deaf (TDD's).

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

§36.162 Telephone emergency services.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

§35.163 Information and signage.

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible public services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its public facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible public facilities. The international symbol for accessibility shall be used at each accessible entrance of a public facility.

§35.164 Duties.

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a public service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would

fundamentally alter the public service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the public service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the public benefits or services provided by the public entity.

§§35.165—35.169 [Reserved]

§§35.170—35.999 [Reserved]

PART 36—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS

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Subpart A—General

§36.101 Purpose.

The purpose of this part is to implement section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 *et seq.*) which, *inter alia*, applies the rights and protections of sections of title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181), which prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation to be designed, constructed, and altered in compliance with the accessibility standards established by this part.

§36.102 Application.

(a) *General.* This part applies to any—

(1) Public accommodation; or

(2) covered entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

(b) *Public accommodations.* (1) The requirements of this part applicable to public accommodations are set forth in subparts B, C, and D of this part.

(2) The requirements of subparts B and C of this part obligate a public accommodation only with respect to the operations of a place of public accommodation.

(3) The requirements of subpart D of this part obligate a public accommodation only with respect to a facility used as, or designed or constructed for use as, a place of public accommodation.

(c) *Examinations and courses.* The requirements of this part applicable to covered entities that offer examinations or courses as specified in paragraph (a) of this section are set forth in §36.309.

§36.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws otherwise applicable to covered entities that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§36.104 Definitions.

For purposes of this part, the term—

Act or *CAA* means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

ADA means the Americans with Disabilities Act of 1990 (Pub. L. 101–336, 104 Stat. 327, 42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611), as applied to covered entities by section 210 of the CAA.

Covered entity means any entity listed in section 210(a) of the CAA insofar as it operates a place of public accommodation.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) The phrase *physical or mental impairment* means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism;

(iv) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a covered entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a covered entity as having such an impairment.

(5) The term *disability* does not include—

(i) Tranvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drugs means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term ''illegal use of drugs'' does not include the use of a drug take under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term ''individual with a disability'' does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

Place of public accommodation means a facility, operated by a covered entity, whose operations fall within at least one of the following categories—

(1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;

(2) A restaurant, bar, or other establishment serving food or drink;

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) An auditorium, convention center, lecture hall, or other place of public gathering;

(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) A terminal, depot, or other station used for specified public transportation;

(8) A museum, library, gallery, or other place of public display or collection;

(9) A park, zoo, amusement park, or other place of recreation;

(10) A nursery, elementary, secondary, undergraduate, or postgraduate covered school, or other place of education;

(11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Public accommodation means a covered entity that operates a place of public accommodation.

Public entity means any of the following entities that provides public services, programs, or activities:

(1) each office of the Senate, including each office of a Senator and (2) each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable factors to be considered include—

(1) The nature and cost of the action needed under this part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent entity;

(4) If applicable, the overall financial resources of any parent entity; the overall size of the parent entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent entity, including the composition, structure, and functions of the workforce of the parent entity.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Specified public transportation means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include—

(1) The nature and cost of the action needed under this part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operations, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative of fiscal relationship of the site or sites in question to any parent entity;

(4) If applicable, the overall financial resources of any parent entity; the overall size of the parent entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent entity, including the composition, structure, and functions of the workforce of the parent entity.

Subpart B—General Requirements

§ 36.201 General.

No individual shall be discriminated against on the basis of disability in the full and equal employment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any covered entity who operates a place of public accommodation.

§ 36.202 Activities.

(a) *Denial of participation.* A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(b) *Participation in unequal benefit.* A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) *Separate benefit.* A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) *Individual or class of individuals.* For purposes of paragraphs (a) through (c) of this section, the term ''individual or class of individuals'' refers to the clients or customers of the public accommodation that enter into the contractual, licensing, or other arrangement.

§ 36.203 Integrated settings.

(a) *General.* A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) *Opportunity to participate.* Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different.

(c) *Accommodations and services.* (1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under this part that such individual chooses not to accept.

(2) Nothing in the CAA or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

§36.204 Administrative methods.

A public accommodation shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control.

§ 36.205 Association.

A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 36.206 [Reserved]

§ 36.207 Places of public accommodation located in private residences.

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the residence covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

§ 36.208 Direct threat.

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) *Direct threat* means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety

of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

§36.209 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public accommodation shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public accommodation shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public accommodation from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in this paragraph (c) shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

§36.210 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in places of public accommodation.

§36.211 Maintenance of accessible features.

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the CAA or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§36.212 Insurance.

(a) This part shall not be construed to prohibit or restrict—

(1) A covered entity that administers benefit plans from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with applicable law; or

(2) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with applicable law; or

(3) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to applicable laws that regulate insurance.

(b) Paragraphs (a)(1), (2), and (3) of this section shall not be used as a subterfuge to evade the purposes of the CAA or this part.

(c) A public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

§36.213 Relationship of subpart B to subparts C and D of this part.

Subpart B of this part sets forth the general principles of nondiscrimination applicable to all entities subject to this part. Subparts C and D of this part provide guidance on the application of the statute to specific situations. The specific provisions, including the limitations on those provisions, control over the general provisions in circumstances where both specific and general provisions apply.

§36.214—36.299 [Reserved]

Subpart C—Specific Requirements

§36.301 Eligibility criteria.

(a) *General.* A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

(b) *Safety.* A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

(c) *Charges.* A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the CAA or this part.

§36.302 Modifications in policies, practices, or procedures.

(a) *General.* A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

(b) *Specialties*—(1) *General.* A public accommodation may refer an individual with a disability to another public accommodation, if that individual is seeking, or requires, treatment or services outside of the referring public accommodation's area of specialization, and if, in the normal course of its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services.

(2) *Illustration—medical specialties.* A health care provider may refer an individual with a disability to another provider, if that individual is seeking, or requires, treatment or services outside of the referring provider's area of specialization, and if the referring provider would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. A physician who specializes in treating only a particular condition cannot refuse to treat an individual with a disability for that condition, but is not required to treat the individual for a different condition.

(c) *Service animals*—(1) *General.* Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) *Care or supervision of service animals.* Nothing in this part requires a public accommodation to supervise or care for a service animal.

(d) *Check-out aisles.* A store with check-out aisles shall ensure that an adequate number of accessible check-out aisles is kept open during store hours, or shall otherwise modify its policies and practices, in order to ensure that an equivalent level of convenient service is provided to individuals with disabilities as is provided to others. If only one check-out aisle is accessible, and it is generally used for express service, one way of providing equivalent service is to allow persons with mobility impairments to make all their purchases at that aisle.

§36.303 Auxiliary aids and services.

(a) *General.* A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

(b) *Examples.* The term ''auxiliary aids and service'' includes—

(1) Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(c) *Effective communication.* A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

(d) Telecommunication devices for the deaf (TDD's). (1) A public accommodation that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls on more than an incidental convenience basis shall make available, upon request, a TDD for the use of an individual who has impaired hearing or a communication disorder.

(2) This part does not require a public accommodation to use a TDD for receiving or making telephone calls incident to its operations.

(f) *Alternatives.* If provision of a particular auxiliary aid or service by a public accommodation would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, i.e., significant difficulty or expense, the public accommodation shall provide an alternative auxiliary aid or service, if one exists, that would not result in such an alteration or such burden but would nevertheless ensure that, to the maximum extent

possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations offered by the public accommodation.

§36.304 Removal of barriers.

(a) *General.* A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense.

(b) *Examples.* Examples of steps to remove barriers include, but are not limited to, the following actions—

(1) Installing ramps;

(2) Making curb cuts in sidewalks and entrances;

(3) Repositioning shelves;

(4) Rearranging tables, chairs, vending machines, display racks, and other furniture;

(5) Repositioning telephones;

(6) Adding raised markings on elevator control buttons;

(7) Installing flashing alarm lights;

(8) Widening doors;

(9) Installing offset hinges to widen doorways;

(10) Eliminating a turnstile or providing an alternative accessible path;

(11) Installing accessible door hardware;

(12) Installing grab bars in toilet stalls;

(13) Rearranging toilet partitions to increase maneuvering space;

(14) Insulating lavatory pipes under sinks to prevent burns;

(15) Installing a raised toilet seat;

(16) Installing a full-length bathroom mirror;

(17) Repositioning the paper towel dispenser in a bathroom;

(18) Creating designated accessible parking spaces;

(19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;

(20) Removing high pile, low density carpeting; or

(21) Installing vehicle hand controls.

(c) *Priorities.* A public accommodation is urged to take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

(1) First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.

(3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.

(4) Fourth, a public accommodation should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(d) *Relationship to alterations requirements of subpart D of this part.* (1) Except as provided in paragraph (d)(2) of this section, measures taken to comply with the barrier removal requirements of this section shall comply with the applicable requirements for alterations in §36.402 and §§36.404–36.406 of this part for the element being altered. The path of travel requirements of §36.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.

(2) If, as a result of compliance with the alterations requirements specified in paragraph (d)(l) of this section, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements. Such measures include, for example, providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.

(e) *Portable ramps.* Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features such as nonslip surfaces, railing, anchoring, and strength of materials.

(f) *Selling or serving space.* The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space.

(g) *Limitation on barrier removal obligations.* (1) The requirements for barrier removal under §36.304 shall not be interpreted to exceed the standards for alterations in subpart D of this part.

(2) To the extent that relevant standards for alterations are not provided in subpart D of this part, then the requirements of §36.304 shall not be interpreted to exceed the standards for new construction in subpart D of this part.

(3) This section does not apply to rolling stock and other conveyances to the extent that 36.310 applies to rolling stock and other conveyances.

§36.305 Alternatives to barrier removal.

(a) *General.* Where a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall not fail to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.

(b) *Examples.* Examples of alternatives to barrier removal include, but are not limited to, the following actions—

(1) Providing curb service or home delivery.

(2) Retrieving merchandise from inaccessible shelves or racks;

(3) Relocating activities to accessible locations.

§36.306 Personal devices and services.

This part does not require a public accommodation to provide its customers, clients, or participants with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing.

§36.307 Accessible or special goods.

(a) This part does not require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

(b) A public accommodation shall order accessible or special goods at the request of an individual with disabilities, if, in the normal course of its operation, it makes special orders on request for unstocked good, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.

(c) Examples of accessible or special goods include items such as Brailled versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and special foods to meet particular dietary needs.

§36.308 Seating in assembly areas.

(a) *Existing facilities.* (1) To the extent that is readily achievable, a public accommodation in assembly areas shall—

(i) Provide a reasonable number of wheelchair seating spaces and seats with removable aisle-side arm rests; and

(ii) Locate the wheelchair seating spaces so that they—

(A) Are dispersed throughout the seating area;

(B) Provide lines of sight and choice of admission prices comparable to those for members of the general public;

(C) Adjoin an accessible route that also serves as a means of egress in case of emergency; and

(D) Permit individuals who use wheelchairs to sit with family members or other companions.

(2) If removal of seats is not readily achievable, a public accommodation shall provide, to the extent that it is readily achievable to do so, a portable chair or other means to permit a family member or other companion to sit with an individual who uses a wheelchair.

(3) The requirements of paragraph (a) of this section shall not be interpreted to exceed the standards for alterations in subpart D of this part.

(b) *New construction and alterations.* The provision and location of wheelchair seating spaces in newly constructed or altered assembly areas shall be governed by the standards for new construction and alterations in subpart D of this part.

§36.309 Examinations and courses.

(a) *General.* Any covered entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

(b) *Examinations.* (1) Any covered entity offering an examination covered by this section must assure that—

(i) The examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure);

(ii) An examination that is designed for individuals with impaired sensory, manual, or speaking skills is offered at equally convenient locations, as often, and in as timely a manner as are other examinations; and

(iii) The examination is administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements are made.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination an adaptation of the manner in which the examination is given.

(3) A covered entity offering an examination covered by this section shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that covered entity can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this section may include taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities, transcribers for individuals with manual impairments, and other similar services and actions.

(4) Alternative accessible arrangements may include, for example, provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

(c) *Courses.* (1) Any covered entity that offers a course covered by this section must make such modifications to that course as are necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.

(2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of the manner in which the course is conducted is conducted or course materials are distributed.

(3) A covered entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless that covered entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print texts or qualified readers for individuals with visual impairments and learning disabilities, classroom equipment adapted for use by individuals with manual impairments, and other similar services and actions.

(4) Courses must be administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements must be made.

(5) Alternative accessible arrangements may include, for example, provision of the course through videotape, cassettes, or prepared notes. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

§ 36.310 Transportation provided by public accommodations.

(a) *General.* (1) A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts B, C, and D of this part for its transportation operations, except as provided in this section.

(2) *Examples.* Transportation services subject to this section include, but are not limited to, shuttle services operated between transportation terminals and places of public accommodation and customer shuttle bus services operated by covered entities

(b) *Barrier removal.* A public accommodation subject to this section shall remove transportation barriers in existing vehicles and rail passenger cars used for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift) where such removal is readily achievable.

(c) *Requirements for vehicles and systems.* A public accommodation subject to this section shall comply with the requirements pertaining to vehicles and transportation systems in the regulations issued by the Board of Directors of the Office of Compliance.

§§ 36.311–36.400 [Reserved]

Subpart D—New Construction and Alterations

§ 36.401 New construction.

(a) *General.* (1) Except as provided in paragraphs (b) and (c) of this section, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after July 23, 1997, that are readily accessible to and usable by individuals with disabilities.

(2) For purposes of this section, a facility is designed and constructed for first occupancy after July 23, 1997, only—

(i) If the last application for a building permit or permit extension for the facility is certified to be complete, by an appropriate governmental authority after January 1, 1997 (or, in those jurisdictions where the government does not certify completion of applications, if the last application for a building permit or permit extension for the facility is received by the appropriate governmental authority after January 1, 1997); and

(ii) If the first certificate of occupancy for the facility is issued after July 23, 1997.

(b) *Place of public accommodation located in private residences.*

(1) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the place of public accommodation, including restrooms.

(c) *Exception for structural impracticability.* (1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

(d) *Elevator exemption.* (1) For purposes of this paragraph (d)—

Professional office of a health care provider means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) This section does not require the installation of an elevator in a facility that is less than three stories or has less than 3000 square feet per story, except with respect to any facility that houses one or more of the following:

(i) A professional office of a health care provider.

(ii) A terminal, depot, or other station used for specified public transportation. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.

(3) The elevator exemption set forth in this paragraph (d) does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house a professional office of a health care provider, must meet the requirements of this section but for the elevator.

§ 36.402 Alterations.

(a) *General.* (1) Any alteration to a place of public accommodation, after January 1, 1997, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) An alteration is deemed to be undertaken after January 1, 1997, if the physical alteration of the property begins after that date.

(b) *Alteration.* For the purposes of this part, an alteration is a change to a place of public accommodation that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.

(c) *To the maximum extent feasible.* The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain

disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

§ 36.403 Alterations: Path of travel.

(a) *General.* An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) *Primary function.* A ''primary function'' is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other covered entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

(c) *Alterations to an area containing a primary function.* (1) Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to—

(i) Remodeling merchandise display areas or employee work areas in a department store;

(ii) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;

(iii) Redesigning the assembly line area of a factory; or

(iv) Installing a computer center in an accounting firm.

(2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(d) *Path of travel.* (1) A ''path of travel'' includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purposes of this part, the term ''path of travel'' also includes the restrooms, telephones, and drinking fountains serving the altered area.

(e) *Disproportionality.* (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f) *Duty to provide accessible features in the event of disproportionality.* (1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order;

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom;

(iv) Accessible telephones;

(v) Accessible drinking fountains; and

(vi) When possible, additional accessible elements such as parking, storage, and alarms.

(g) *Series of smaller alterations.* (1) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(2)(i) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function area on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(ii) Only alterations undertaken after January 1, 1997, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

§ 36.404 Alterations: Elevator exemption.

(a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation.

For the purposes of this section, ''professional office of a health care provider'' means a location where a person or entity employed by a covered entity and/or regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a ''professional office of a health care provider'' only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

§ 36.405 Alterations: Historic preservation.

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), or are designated as historic under State or local law, shall comply to the maximum extent feasible with section 4.1.7 of appendix A to this part.

(b) If it is determined under the procedures set out in section 4.1.7 of appendix A that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of subpart C of this part.

§ 36.406 Standards for new construction and alternations.

(a) New construction and alterations subject to this part shall comply with the standards for accessible design published as appendix A to this part (ADAAG).

(b) The chart in the appendix to this section provides guidance to the user in reading appendix A to this part (ADAAG) together with subparts A through D of this part, when determining requirements for a particular facility.

Appendix to § 36.406

This chart has no effect for purposes of compliance or enforcement. It does not necessarily provide complete or mandatory information.

	Subparts A–D	ADAAG
Application, General.	36.102(b)(3): public accommodations. 36.102(c): commercial facilities. 36.102(e): public entities. 36.103 (other laws) 36.401 (''for first occupancy''). 36.402(a)(alterations).	1,2,3,4.1.1.
Definitions	36.104: facility, place of public accommodation, public accommodation, public entity.	3.5 Definitions, including; addition, alteration, building, element, facility, space, story.
	36.401(d)(1)(i), 36.404(a)(1): professional office of a health care provider. 36.402: alteration; usability. 36.402(c): to the maximum extent feasible.	4.1.6(i), technical infeasibility.
	36.401(a) General	4.1.2.
New Construction: General.	36.207 Places of public accommodation in private residences.	4.1.3.
Work Areas		4.1.1(3).
Structural Impracticability..	36.401(c)	4.1.1(5)(a).
Elevator Exemption.	36.401(d)	4.1.3.(5).
	36.404	
Other Exceptions.		4.1.1(5), 4.1.3(5) and throughout.
Alterations: General.	36.402	4.1.6(1).
Alterations Affecting an Area Containing A Primary Function; Path of Travel; Disproportionality..	36.403	4.1.6(2).
Alterations: Special Technical Provisions..		4.1.6(3).
Additions	36.401–36.405	4.1.5.
Historic Preservation.	36.405	4.1.7.
Technical Provisions.		4.2 through 4.35.
Facilities		6.
Business and Mercantile.		7.
Libraries		8.
Transient Lodging (Hotels, Homeless Shelters, Etc.).		9.
Transportation Facilities.		10.

§ 36.407. Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 4.29.6 of appendix A to this part are suspended temporarily until July 26, 1998.

§§ 36.408—36.499 [Reserved]
§§ 36.501—36.608 [Reserved]

APPENDIX A TO PART 36—STANDARDS FOR ACCESSIBLE DESIGN

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999.]

APPENDIX B TO PART 36—UNIFORM FEDERAL ACCESSIBILITY STANDARDS

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999.]

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (CAA)

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37.9 Standards for accessible transportation facilities.
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37.77 Purchase or lease of new non-rail vehicles by public entities operating demand responsive systems for the general public.
37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.
37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.
37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.
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37.93 One car per train rule.
37.95 [Reserved]
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Subpart E—Acquisition of Accessible Vehicles by Covered Entities

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37.105 Equivalent service standard.
37.107–37.109 [Reserved]
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37.123 ADA paratransit eligibility: Standards.
37.125 ADA paratransit eligibility: Process.
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37.129 Types of service.
37.131 Service criteria for complementary paratransit.
37.133 Subscription service.
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37.165 Lift and securement use.
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37.171 Equivalency requirement for demand responsive service by covered entities not primarily engaged in the business of transporting people.
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Subpart A—General

§ 37.1 Purpose.

The purpose of this part is to implement the transportation and related provisions of titles II and III of the Americans with Disabilities Act of 1990, as applied by section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 *et seq.*).

§ 37.3 Definitions.

As used in this part:

Accessible means, with respect to vehicles and facilities, complying with the accessibility requirements of parts 37 and 38 of these regulations.

Act or *CAA* means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–4238).

ADA means the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131–12150, 12182, 12183, and 12189) as applied to covered entities by section 210 of the CAA.

Alteration means a change to an existing facility, including, but not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.

Automated guideway transit system or *AGT* means a fixed-guideway transit system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button.

Auxiliary aids and services includes:

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known as TTYs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials avaiable to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; or

(4) Other similar services or actions.

Board means the Board of Directors of the Office of Compliance.

Bus means any of several types of self-propelled vehicles, generally rubber-tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by covered entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses.

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Covered entity means any entity listed in section 210(a) of the CAA that operates a place of public accommodation within the meaning of section 210 of the CAA.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by covered entities, including but not limited to specified public transportation service, which is not a fixed route system.

Designated public transportation means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a

record of such an impairment; or being regarded as having such an impairment.

(1) The phrase *physical or mental impairment* means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(ii) Any mental or psychological disorder, such as mental retardiation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The term *physical or mental impairment* includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;

(iv) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life* activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities; or

(4) The phrase *is regarded as having such an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or covered entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or covered entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvertism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Facility means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by covered entities, including, but not limited to, specific public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

General Counsel means the General Counsel of the Office of Compliance.

Individual with a disability means a person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when a public or covered entity acts on the basis of such use.

Light rail means a streetcar-type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way. Service may be provided by step-entry vehicles or by level boarding.

New vehicle means a vehicle which is offered for sale or lease after manufacture without any prior use.

Office means the Office of Compliance.

Operates includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or covered entity itself or by a person under a contractual or other arrangement or relationship with the entity.

Over-the-road bus means a bus characterized by an elevated passenger deck located over a baggage compartment.

Paratransit means comparable transportation service required by the CAA for individuals with disabilities who are unable to use fixed route transportation systems.

Private entity means any entity other than a public or covered entity.

Public entity means any of the following entities that provides public services, programs, or activities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Purchase or lease, with respect to vehicles, means the time at which a public or covered entity is legally obligated to obtain the vehicles, such as the time of contract execution.

Public school transportation means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

Rapid rail means a subway-type transit vehicle railway operated on exclusive private rights of way with high level platform stations. Rapid rail also may operate on elevated or at grade level track separated from other traffic.

Remanufactured vehicle means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Solicitation means the closing date for the submission of bids or offers in a procurement.

Station means where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but this term does not include flag stops (i.e., stations which are not regularly scheduled stops but at which trains will stop board or detrain passengers only on signal or advance notice).

Transit facility means, for purposes of determining the number of text telephones needed consistent with §10.3.1(12) of Appendix A to this part, a physical structure the primary function of which is to facilitate access to and from a transportation system which has scheduled stops at the structure. The term does not include an open structure or a physical structure the primary purpose of which is other than providing transportation services.

Used vehicle means a vehicle with prior use.

Vanpool means a voluntary commuter ridesharing arrangement, using vans with a seating capacity greater than 7 persons (including the driver) or buses, which provides transportation to a group of individuals traveling directly from their homes to their regular places of work within the same geographical area, and in which the commuter/driver does not receive compensation beyond reimbursement for his or her costs of providing the service.

Vehicle, as the term is applied to covered entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 or title III of the Americans With Disabilities Act, which is not applied to covered entities by section 210 of the CAA.

Wheelchair means a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A ''*common wheelchair*'' is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

§37.5 Nondiscrimination.

(a) No covered entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

(b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

(c) An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

(d) An entity shall not impose special charges, not authorized by this part, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this part or otherwise necessary to accommodate them.

(e) An entity shall not require that an individual with disabilities be accompanied by an attendant.

(f) An entity shall not refuse to serve an individual with a disability or require anything contrary to this part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this part.

(g) It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

§37.7 Standards for accessible vehicles.

(a) For purposes of this part, a vehicle shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in part 38 of these regulations.

(b)(1) For purposes of implementing the equivalent facilitation provision in §38.2 of

these regulations, the following parties may submit to the General Counsel of the applicable operating administration a request for a determination of equivalent facilitation:

(i) A public or covered entity that provides transportation services and is subject to the provisions of subpart D or subpart E of this part; or

(ii) The manufacturer of a vehicle or a vehicle component or subsystem to be used by such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of part 38 of these regulations concerning which the entity is seeking a determination of equivalent facilitation;

(iii) [Reserved]

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in part 38; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation services subject to the provisions of subpart D of this part, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request, to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to the General Counsel. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a covered entity that provides transportation services subject to the provisions of subpart E of this part, the covered entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the General Counsel of the concerned operating administration on a case-by-case basis.

(6) Determinations of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitation in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Office.

(c) Over-the-road buses acquired by public entities (or by a contractor to a public entity as provided in §37.23 of this part) shall comply with §38.23 and subpart G of part 38 of these regulations.

§37.9 Standards for accessible transportation facilities.

(a) For purposes of this part, a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in Appendix A to this part.

(b) Facility alterations begun before January 1, 1997, in a good faith effort to make a facility accessible to individuals with disabilities may be used to meet the key station requirements set forth in §37.47 of this part, even if these alterations are not consistent with the standards set forth in Appendix A to this part, if the modifications complied with the Uniform Federal Accessibility Standard (UFAS) or ANSI A117.1(1980) (American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by, the Physically Handicapped). This paragraph applies only to alterations of individual elements and spaces and only to the extent that provisions covering those elements or spaces are contained in UFAS or ANSI A117.1, as applicable.

(c) Public entities shall ensure the construction of new bus stop pads are in compliance with section 10.2.1(I) of appendix A to this part, to the extent construction specifications are within their control.

(d)(1) For purposes of implementing the equivalent facilitation provision in section 2.2 of appendix A to this part, the following parties may submit to the General Counsel a request for a determination of equivalent facilitation:

(i) A public or covered entity that provides transportation services subject to the provisions of subpart C of this part, or any other appropriate party with the concurrence of the General Counsel.

(ii) The manufacturer of a product or accessibility feature to be used in the facility of such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of appendix A to part 37 of these regulations concerning which the entity is seeking a determination of equivalent facilitation;

(iii) [Reserved];

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in appendix A to this part; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation facilities, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitations. All documents and other information concerning the request shall be available, upon request to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to the General counsel. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a covered entity, the covered entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the General Counsel on a case-by-case basis.

(6) Determination of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitations in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Office.

§37.11 [Reserved}

§37.13 Effective date for certain vehicle lift specifications.

The vehicle lift specifications identified in §§38.23(b)(6) and 38.83(b)(6) apply to solicitations for vehicles under this part after December 31, 1996.

§37.15 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 3.29.6 of appendix A to this part are suspended temporarily until July 26, 1998.

§§37.17–37.19 [Reserved]

Subpart B—Applicability

§37.21 Applicability: General

(a) This part applies to the following entities:

(1) Any public entity that provides designated public transportation; and

(2) Any covered entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system.

(b) Entities to which this part applies also may be subject to CAA regulations of the Office of Compliance (parts 35 to 36, as applicable). the provisions of this part shall be interpreted in a manner that will make them consistent with applicable Office of Compliance regulations. In any case of apparent inconsistency, the provisions of this part shall prevail.

§37.23 Service under contract

(a) When a public enters into a contractual or other arrangement or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.

(b) A public entity which enters into a contractual or other arrangement or relationship with a private entity to provide fixed route service shall ensure that the percentage of accessible vehicles operated by the public entity in its overall fixed route or demand responsive fleet is not diminished as a result.

§37.25 [Reserved]

§37.27 Transportation for elementary and secondary education systems.

(a) The requirements of this part do not apply to public school transportation.

(b) The requirements of this part do not apply to the transportation of school children to and from a covered elementary or

secondary school, and its school-related activities, if the school is providing transportation service to students with disabilities equivalent to that provided to students without disabilities. The test of equivalence is the same as that provided in §37.105. If the school does not meet the criteria of this paragraph for exemption from the requirements of this part, it is subject to the requirements of this part for covered entities not primarily engaged in transporting people.

§37.29 [Reserved]

§37.31 Vanpools.

Vanpool systems which are operated by public entities, or in which public entities own or purchase or lease the vehicles, are subject to the requirements of this part for demand responsive service for the general public operated by public entities. A vanpool system in this category is deemed to be providing equivalent service to individuals with disabilities if a vehicle that an individual with disabilities can use is made available to and used by a vanpool in which such an individual chooses to participate.

§37.35 [Reserved]

§37.37 Other applications.

(a) Shuttle systems and other transportation services operated by public accommodations are subject to the requirements of this part for covered entities not primarily engaged in the business of transporting people. Either the requirements for demand responsive or fixed route service may apply, depending upon the characteristics of each individual system of transportation.

(b) Conveyances used by members of the public primarily for recreational purposes rather than for transportation (e.g., amusement park rides, ski lifts, or historic rail cars or trolleys operated in museum settings) are not subject to the requirements of this part. Such conveyances are subject to the Board's regulations implementing the non-transportation provisions of title II or title III of the ADA, as applied by section 210 of the CAA, as applicable.

(c) Transportation services provided by an employer solely for its own employees are not subject to the requirements of this part. Such services are subject to the requirements of section 201 of the CAA.

§37.39 [Reserved][

Subpart C—Transportation Facilities

§37.41 Construction of transportation facilities by public entities.

A public entity shall construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. For purposes of this section, a facility or station is ''new'' if its construction begins (i.e., issuance of notice to proceed) after December 31, 1996.

§37.43 Alteration of transportation facilities by public entity.

(a)(1) When a public entity alters an existing facility or a part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations.

(2) When a public entity undertakes an alteration that affects or could affect the usability of or access to an area of a facility containing a primary function, the entity shall make the alteration in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs upon completion of the alterations. *Provided*, that alterations to the path of travel, drinking fountains, telephone and bathrooms are not required to be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the cost and scope of doing so would disproportionate.

(3) The requirements of this paragraph also apply to the alteration of existing intercity or commuter rail stations by the responsible person for, owner of, or person in control of the station.

(4) The requirements of this section apply to any alteration which begins (i.e., issuance of notice to proceed or work order, as applicable) after December 31, 1996.

(b) As used in this section, the phrase *to the maximum extent feasible* applies to the occasional case where the nature of an existing facility makes it impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the entity shall provide the maximum physical accessibility feasible. Any altered features of the facility or portion of the facility that can be made accessible shall be made accessible. If providing accessibility to certain individuals with disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to individuals with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(c) As used in this section, a *primary function* is a major activity for which the facility is intended. Areas of transportation facilities that involve primary functions include, but are not necessarily limited to, ticket purchase and collection areas, passenger waiting areas, train or bus platforms, baggage checking and return areas and employment areas (except those involving non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, vary narrow passageways, or freight [non-passenger] elevator which are frequented only by repair personnel).

(d) As used in this section, a *path of travel* includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, parking areas, and streets), an entrance to the facility, and other parts of the facility The term also includes the restrooms, telephones, and drinking fountains serving the altered area. An accessible path of travel may include walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps, clear floor paths through corridors, waiting areas, concourses, and other improved areas, parking access aisles, elevators and lifts, bridges, tunnels, or other passageways between platforms, or a combination of these and other elements.

(e)(1) Alternations made to provide an accessible path to travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area (without regard to the costs of accessibility modifications).

(2) Costs that may be counted as expenditures required to provide an accessible path of travel include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area (e.g., widening doorways and installing ramps);

(ii) Costs associated with making restrooms accessible (e.g., grab bars, enlarged toilet stalls, accessible faucet controls);

(iii) Costs associated with providing accessible telephones (e.g., relocation of phones to an accessible height, installation of amplification devices or TTYs);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f)(1) When the cost of alterations necessary to make a path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, then such areas shall be made accessible to the maximum extent without resulting in disproportionate costs;

(2) In this situation, the public entity should give priority to accessible elements that will provide the greatest access, in the following order:

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom (where there are one or more restrooms)

(iv) Accessible telephones;

(v) Accessible drinking fountains;

(vi) When possible, other accessible elements (e.g., parking, storage, alarms).

(g) If a public entity performs a series of small alterations to the areas served by a single path of travel rather than making the alterations as part of a single undertaking, it shall nonetheless be responsible for providing an accessible path of travel.

(h)(1) If an area containing a primary function has been altered without providing an accessible path of travel to the area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alternation to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel is disproportionate;

(2) For the first three years after January 1, 1997, only alterations undertaken between that date and the date of the alternation at issue shall be considered in determining if the cost of providing accessible features in disproportionate to the overall cost of the alteration.

(3) Only alterations undertaken after January 1, 1997, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alteration.

§37.45 Construction and alteration of transportation facilities by covered entities.

In constructing and altering transit facilities, covered entities shall comply with the regulations of the Board implementing title III of the ADA, as applied by section 210 of the CAA (part 36).

§37.47 Key stations in light and rapid rail systems.

(a) Each public entity that provides designated public transportation by means of a light or rapid rail system shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in §37.43 of this part.

(b) Each public entity shall determine which stations on its system are key stations. The entity shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent,

unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c)(1) Unless an entity receives an extension under paragraph (c)(2) of this section, the public entity shall achieve accessibility of key stations as soon as practicable, but in no case later than January 1, 2000, except that an entity is not required to complete installation of detectable warnings required by section 10.3.2(2) of appendix A to this part until January 1, 2001.

(2) The General Counsel may grant an extension of this completion date for key station accessibility for a period up to January 1, 2025, provided that two-thirds of key stations are made accessible by January 1, 2015. Extensions may be granted as provided in paragraph (e) of this section.

(d) The public entity shall develop a plan for compliance for this section. The plan shall be submitted to the General Counsel's office by July 1, 1997.

(1) The public entity shall consult with individuals with disabilities affected by the plan. The public entity also shall hold at least one public hearing on the plan and solicit comments on it. The plan submitted to General Counsel shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the public entity's responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(e) A public entity wishing to apply for an extension of the January 1, 2000, deadline for key station accessibility shall include a request for an extension with its plan submitted to the General Counsel under paragraph (d) of this section. Extensions may be granted only with respect to key stations which need extraordinarily expensive structural changes to, or replacement of, existing facilities (e.g., installations of elevators, raising the entire passenger platform, or alternations of similar magnitude and cost). Requests for extensions shall provide for completion of key station accessibility within the time limits set forth in paragraph (c) of this section. The General Counsel may approve, approve with conditions, modify, or disapprove any request for an extension.

§§37.49—37.59 [Reserved]

§37.61 Public transportation programs and activities in existing facilities.

(a) A public entity shall operate a designated public transportation program or activity conducted in an existing facility so that, when viewed in its entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(b) This section does not require a public entity to make structural changes to existing facilities in order to make the facilities accessible by individuals who use wheelchairs, unless and to the extent required by §37.43 (with respect to alterations) or §37.47 of this part (with respect to key stations). Entities shall comply with other applicable accessibility requirements for such facilities.

(c) Public entities, with respect to facilities that, as provided in paragraph (b) of this section, are not required to be made accessible to individuals who use wheelchairs, are not required to provide to such individuals services made available to the general public at such facilities when the individuals could not utilize or benefit from the services.

§§37.63–37.69 [Reserved]

Subpart D—Acquisition of Accessible Vehicles by Public Entities

§37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system making a solicitation after January 31, 1997, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a new bus that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if it applies for, and the General Counsel grants, a waiver as provided for in this section.

(c) Before submitting a request for such a waiver, the public entity shall hold at least one public hearing concerning the proposed request.

(d) The General Counsel may grant a request for such a waiver if the public entity demonstrates to the General Counsel's satisfaction that—

(1) The initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) Hydraulic, electromechanical, or other lifts for such new buses could not be provided by any qualified lift manufacturer to the manufacturer of such new buses in sufficient time to comply with the solicitation; and

(3) Any further delay in purchasing new buses equipped with such necessary lifts would significantly impair transportation services in the community served by the public entity.

(e) The public entity shall include with its waiver request a copy of the initial solicitation and written documentation from the bus manufacturer of its good faith efforts to obtain lifts in time to comply with the solicitation, and a full justification for the assertion that the delay in bus procurement needed to obtain a lift-equipped bus would significantly impair transportation services in the community. This documentation shall include a specific date at which the lifts could be supplied, copies of advertisements in trade publications and inquiries to trade associations seeking lifts, and documentation of the public hearing.

(f) Any waiver granted by the General Counsel under this section shall be subject to the following conditions:

(1) The waiver shall apply only to the particular bus delivery to which the waiver request pertains;

(2) The waiver shall include a termination date, which will be based on information concerning when lifts will become available for installation on the new buses the public entity is purchasing. Buses delivered after this date, even though procured under a solicitation to which a waiver applied, shall be equipped with lifts;

(3) Any bus obtained subject to the waiver shall be capable of accepting a lift, and the public entity shall install a lift as soon as one becomes available;

(4) Such other terms and conditions as the General Counsel may impose.

(g)(1) When the General Counsel grants a waiver under this section, he/she shall promptly notify any appropriate committees of Congress.

(2) If the General Counsel has reasonable cause to believe that a public entity fraudulently applied for a waiver under this section, the General Counsel shall:

(i) Cancel the waiver if it is still in effect; and

(ii) Take other appropriate action.

§37.73 Purchase or lease of used non-rail vehicles by public entities operating a fixed route system.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system purchasing or leasing, after January 31, 1997, a used bus or other used vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used vehicle for use on its fixed route system that is not readily accessible to and usable by individuals with disabilities if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles are to be life-equipped and otherwise accessible to and usable by individuals with disabilities, or, if an initial solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the General Counsel and the public.

§37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.

(a) This section applies to any public entity operating a fixed route system which takes one of the following actions:

(1) After January 31, 1997, remanufactures a bus or other vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing; or

(2) Purchases or leases a bus or other vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after January 31, 1997, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a bus or other motor vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that including accessibility features required by this part would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a fixed route system, any segment of which is included on

the National Register of Historic Places, and if making a vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity has only to make (or purchase or lease a remanufactured vehicle with) those modifications to make the vehicle accessible which do not alter the historic character of such vehicle, in consultation with the National Register of Historic Places.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the General Counsel for a determination of the historic character of the vehicle. The General Counsel shall refer such requests to the National Register of Historic Places, and shall rely on its advice in making determinations of the historic character of the vehicle.

§37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

(a) Except as provided in this section, a public entity operating a demand responsive system for the general public making a solicitation after January 31, 1997, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.

(c) For purposes of this section, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(1) Response time;

(2) Fares;

(3) Geographic area of service;

(4) Hours and days of service;

(5) Restrictions or priorities based on trip purpose;

(6) Availability of information and reservations capability; and

(7) Any constraints on capacity or service availability.

(d) A public entity, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, make a certificate that it provides equivalent service meeting the standards of paragraph (c) of this section. A public entity shall make such a certificate and retain it in its files, subject to inspection on request of the General Counsel. All certificates under this paragraph may be made in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year.

(e) The waiver mechanism set forth in §37.71(b)–(g) (unavailability of lifts) of this subpart shall also be available to public entities operating a demand responsive system for the general public.

§37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

Each public entity operating a rapid or light rail system making a solicitation after January 31, 1997, to purchase or lease a new rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

§37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.

(a) Except as provided elsewhere in this section, each public entity operating a rapid or light rail system which, after January 31, 1997, purchases or leases a used rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used rapid or light rail vehicle for use on its rapid or light rail system that is not readily accessible to and usable by individuals if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) The initial solicitation for used vehicles made by the public entity specifying that all used vehicles were to be accessible to and usable by individuals with disabilities, or, if a solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to manufacturers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used rapid or light rail vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the General Counsel and the public.

§37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

(a) This section applies to any public entity operating a rapid or light rail system which takes one of the following actions:

(1) After January 31, 1997, remanufactures a light or rapid rail vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing;

(2) Purchases or leases a light or rapid rail vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after January 31, 1997, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a rapid or light rail vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a rapid or light rail system any segment of which is included on the National Register of Historic Places and if making a rapid or light rail vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity need only make (or purchase or lease a remanufactured vehicle with) those modifications that do not alter the historic character of such vehicle.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the General Counsel for a determination of the historic character of the vehicle. The General Counsel shall refer such requests to the National Register of Historic Places and shall rely on its advice in making a determination of the historic character of the vehicle.

§§37.85—37.91 [Reserved]

§37.93 One car per train rule.

(a) The definition of accessible for purposes of meeting the one car per train rule is spelled out in the applicable subpart for each transportation system type in part 38 of these regulations.

(b) Each public entity providing light or rapid rail service shall ensure that each train, consisting of two or more vehicles, includes at least one car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no case later than December 31, 2001.

§37.95 [Reserved]

§§37.97—37.99 [Reserved]

Subpart E—Acquisition of Accessible Vehicles by Covered Entities.

§37.10 Purchase or lease of vehicles by covered entities not primarily engaged in the business of transporting people.

(a) *Application.* This section applies to all purchases or leases of vehicles by covered entities which are not primarily engaged in the business of transporting people, in which a solicitation for the vehicle is made after January 31, 1997.

(b) *Fixed Route System, Vehicle Capacity Over 16.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) *Fixed Route System, Vehicle Capacity of 16 or Fewer.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of 16 or fewer passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this part.

(d) *Demand Responsive System, Vehicle Capacity Over 16.* If the entity operates a demand responsive system, and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this part.

(e) *Demand Responsive System, Vehicle Capacity of 16 or Fewer.* Entities providing demand responsive transportation covered under this section are not specifically required to ensure that new vehicles with seating capacity of 16 or fewer are accessible to individuals with wheelchairs. These entities are required to ensure that their systems, when viewed in their entirety, meet the equivalent service requirements of §§37.171 and 37.105, regardless of whether or not the entities purchase a new vehicle.

§ 37.103 [Reserved]

§ 37.105 Equivalent service standard.

For purposes of §37.101 of this part, a fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(a)(1) Schedules/headways (if the system is fixed route);

(2) Response time (if the system is demand responsive);

(b) Fares;

(c) Geographic area of service;

(d) Hours and days of service;

(e) Availability of information;

(f) Reservations capability (if the system is demand responsive);

(g) Any constraints on capacity or service availability;

(h) Restrictions priorities based on trip purpose (if the system is demand responsive).

§§ 37.107—37.109 [Reserved]

§§ 37.111—37.119 [Reserved]

Subpart F—Paratransit as a Complement to Fixed Route Service

§ 37.121 Requirement for comparable complementary paratransit service.

(a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of §§ 37.123–37.133 of this subpart. The requirement to comply with § 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus systems.

§ 37.123 CAA paratransit eligibility—standards.

(a) Public entities required by § 37.121 of this subpart to provide complementary paratransit service shall provide the service to the CAA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be CAA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be CAA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than CAA paratransit eligible individuals. However, only the cost of service to CAA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under §§ 37.151–37.155 of this part.

(e) The following individuals are CAA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in § 37.167(g) of this part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of part 38 of these regulations), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but

(A) there is not yet one accessible car per train on the system; or

(B) key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying a CAA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the CAA paratransit eligible individual shall be provided service.

(i) If the CAA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual.

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the CAA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the CAA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to CAA paratransit eligible individuals.

(3) In order to be considered as ''accompanying'' the eligible individual for purposes of this paragraph, the other individual(s) shall have the same origin and destination as the eligible individual.

§ 37.125 CAA paratransit eligibility: process.

Each public entity required to provide complementary paratransit service by § 37.121 of this part shall establish a process for determining CAA paratransit eligibility.

(a) The process shall strictly limit CAA paratransit eligibility to individuals specified in § 37.123 of this part.

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

(c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.

(d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.

(e) The public entity shall provide documentation to each eligible individual stating that he or she is ''CAA Paratransit Eligible.'' The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.

(f) The entity may require recertification of the eligibility of CAA paratransit eligible individuals at reasonable intervals.

(g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.

(1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it;

(3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

(h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to CAA eligible individuals who establish a pattern of practice of missing scheduled trips.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction;

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for CAA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

§37.127 Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under §37.121 of this part shall make the service available to visitors as provided in this section.

(b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are CAA paratransit eligible, under the criteria of §37.125 of this part, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service by this section.

§37.129 Types of service.

(a) Except as provided in this section, complementary paratransit service for CAA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for CAA paratransit eligible persons described in §37.123(e)(2) of this part may also be provided by on-call bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for CAA eligible persons described in §37.123(e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

§37.131 Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(a) *Service Area*—(1) Bus. (i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

(ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.

(iii) Outside the core service area, the entity may designate corridors with widths from three fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.

(iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.

(2) *Rail.* (i) For rail systems, the service area shall consist of a circle with a radius of ¾ of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to 1½ miles as part of its service area, based on local circumstances.

(3) *Jurisdictional Boundaries.* Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area.

(b) *Response Time.* The entity shall schedule and provide paratransit service to any CAA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require a CAA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of a CAA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of §37.131(b) and (c).

(c) *Fares.* The fare for a trip charged to a CAA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying CAA paratransit eligible individuals, who are provided service under §37.123(f) of this part, shall be the same as for the CAA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

(d) *Trip Purpose Restrictions.* The entity shall not impose restrictions or priorities based on trip purpose.

(e) *Hours and Days of Service.* The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(f) *Capacity Constraints.* The entity shall not limit the availability of complementary paratransit service to CAA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to CAA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

(g) *Additional Service.* Public entities may provide complementary paratransit service to CAA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§37.151–37.155 of this part.

§37.133 Subscription Service.

(a) This part does not prohibit the use of subscription service by public entities as part of a complementary paratransit system, subject to the limitations in this section.

(b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is excess non-subscription capacity.

(c) Notwithstanding any other provision of this part, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

§37.135 Submission of paratransit plan.

(a) *General.* Each public entity operating fixed route transportation service, which is required by §37.121 to provide complementary paratransit service, shall develop a paratransit plan.

(b) *Initial Submission.* Except as provided in §37.141 of this part, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by June 1, 1998, to the appropriate location identified in paragraph (f) of this section.

(c) *Annual Updates.* Except as provided in this paragraph, each entity shall submit its annual update to the plan on June 1 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in §§37.121–37.133 of this part, the entity may submit to the General Counsel an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under §37.141 may submit a joint certification under this paragraph. The requirements of §§37.137 (a) and (b), 37.138 and 37.139 do not apply when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of continued compliance falling short of compliance with §§37.121–37.133, the entity shall immediately notify the General Counsel in writing of the

problem. In this case, the entity shall also file a plan update meeting the requirements of §§37.137–37.139 of this part on the next following June 1 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the General Counsel shall file a plan update meeting the requirements of §§37.137–37.139 of this part on each June 1 until full compliance with §§37.121–37.133 is attained.

(4) If the General Counsel reasonably believes that an entity may not be fully complying with all service criteria, the General Counsel may require the entity to provide an annual update to its plan.

(d) *Phase-in of Implementation.* Each plan shall provide for full compliance by no later than June 1, 2003, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after June 1, 1999, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) *Plan Implementation.* Each entity shall begin implementation of its plan on June 1, 1998.

(f) *Submission Locations.* An entity shall submit its plan to the General Counsel's office.

§37.137 Paratransit plan development.

(a) *Survey of existing services.* Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or covered) which provides a paratransit or other special transportation service for CAA paratransit eligible individuals in the service area to which the plan applies.

(b) *Public participation.*

Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) *Outreach.* Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan.

(2) *Consultation with individuals with disabilities.* Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy.

(3) *Opportunity for public comment.* The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats.

(4) *Public hearing.* The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) *Special requirements.* If the entity intends to phase-in its paratransit service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) *Ongoing requirement.* The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

§37.139 Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each—

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 1, 1997 (or subsequent year for annual updates), including—

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations, which may in whole or in part be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in §37.131 of this part of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of CAA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by CAA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this part by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the CAA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in §37.131 of this part—service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph:

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than June 1, 2003. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities as CAA paratransit eligible. At a minimum, this must include—

(1) A description of the application and certification process, including—

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of §§37.123–37.125 of this part and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals.

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with §37.127 of this part.

(f) Description of the public participation process including—

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this part which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications.

(1) a resolution adopted by the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) a certification that the survey of existing paratransit service was conducted as required in §37.137(a) of this part;

(3) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) CAA paratransit eligible individuals have access to the service;

(ii) The service is provided in the manner represented; and

(iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) a request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for the General Counsel to consider the factors in §37.155 of this part. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) *Annual plan updates.* (1) The annual plan updates submitted June 1, 1999, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in §37.137 of this part.

§37.141 Requirements for a joint paratransit plan.

(a) Two or more public entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on June 1, 1998. If a coordinated plan is not completed by June 1, 1998, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in §37.139 to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort;

(1) a certification that the entity is committed to providing CAA paratransit service as part of a coordinate plan.

(2) a certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on June 1, 1998, must submit a complete plan by December 1, 1998.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

§37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice for the General Counsel. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a waiver based on undue financial burden, the entity shall begin implementation of its plan, pending a determination on its waiver request.

§37.145 [Reserved]

§37.147 Considerations during General Counsel review.

In reviewing each plan, at a minimum the General Counsel will consider the following:

(a) Whether the plan was filed on time;

(b) Comments submitted by the state, if applicable;

(c) Whether the plan contains responsive elements for each component required under §37.139 of this part;

(d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service;

(e) Whether the entity complied with the public participation efforts required by this part; and

(f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

§37.149 Disapproved plans.

(a) If a plan is disapproved in whole or in part, the General Counsel will specify which provisions are disapproved. Each entity shall amend its plan consistent with this information and resubmit the plan to the General Counsel's office within 90 days of receipt of the disapproval letter.

(b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in §37.137 of this part).

§37.151 Waiver for undue financial burden.

If compliance with the service criteria of §37.131 of this part creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in §37.137 of this part and if the following conditions apply;

(a) At the time of submission of the initial plan on June 1, 1998—

(1) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this part, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.

(b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by June 1, 2003, or make measured progress in any year before 2003, as described in paragraph (a)(2) of this section.

§37.153 General Counsel waiver determination.

(a) The General Counsel will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in §37.155 of this part and the information accompanying the request. If necessary, the General Counsel will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

(c) If the General Counsel grants the applicant a waiver, the General Counsel will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the General Counsel determines are appropriate to maximize the complementary paratransit service that is provided to CAA paratansit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each CAA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the public entity to provide basic complementary paratransit services to all CAA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service shall include at least complementary paratransit service in corridors defined as provided in §37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the General Counsel determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to CAA paratransit eligible individuals to the maximum extent feasible.

§37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the General Counsel will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered CAA paratransit eligible persons, on a per capita basis;

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan;

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget;

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to CAA paratransit eligible individuals, by entities responsible under this part for providing such service.

(2) If the entity determines that it is impracticable to distinguish between trips mandated by the CAA and other trips on a trip-by-trip basis, the entity shall attribute to CAA complementary paratransit requirements a percentage of its overall paratransit costs. This percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this part. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to CAA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is part of a coordinated system of paratransit meeting the requirements of this part, may be counted in determining the burden associated with the waiver request.

Subpart G—Provision of Service

§37.161 Maintenance of accessible features: general.

(a) Public and covered entities providing transportation services shall maintain in operative condition those features of facilities

and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§37.163 Keeping vehicle lifts in operative condition: public entities.

(a) This section applies only to public entities with respect to lifts in non-rail vehicles.

(b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.

(e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

(f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

§37.165 Lift and securement use.

(a) This section applies to public and covered entities.

(b) All common wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c)(1) For vehicles complying with part 38 of these regulations, the entity shall use the securement system to secure wheelchairs as provided in that part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(3) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).

§37.167 Other service requirements

(a) This section applies to public and covered entities.

(b) On fixed route systems, the entity shall announce stops as follows:

(1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.

(2) The entity shall announce any stop on request of an individual with a disability.

(c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by part 38 of these regulations.

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

(g) The entity shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials.

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

(j)(1) When an individual with a disability enters a vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the entity shall ask the following person to move in order to allow the individual with a disability to occupy the seat or securement location:

(i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);

(ii) Individuals sitting in a fold-down or other movable seat in a wheelchair securement location.

(2) This requirement applies to light rail and rapid rail systems only to the extent practicable.

(3) The entity is not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations.

(4) In all signage designating priority seating areas for elderly persons or persons with disabilities, or designating wheelchair securement areas, the entity shall include language informing persons siting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability. This requirement applies to all fixed route vehicles when they are acquired by the entity or to new or replacement signage in the entity's existing fixed route vehicles.

§37.169 Interim requirements for over-the-road bus service operated by covered entities.

(a) Covered entities operating over-the-road buses, in addition to compliance with other applicable provisions of this part, shall provide accessible service as provided in this section.

(b) The covered entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking. The covered entity shall ensure that personnel are trained to provide this assistance safely and appropriately.

(c) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(d) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices.

(f) The entity may require up to 48 hours' advance notice only for providing boarding assistance. If the individual does not provide such notice, the entity shall nonetheless provide the service if it can do so by making a reasonable effort, without delaying the bus service.

§37.171 Equivalency requirement for demand responsive service operated by covered entities not primarily engaged in the business of transporting people.

A covered entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of §37.105 shall be sued to determine if the entity is providing equivalent service.

§37.173 Training

Each public or covered entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

APPENDIX A TO PART 37—STANDARDS FOR ACCESSIBLE TRANSPORTATION FACILITIES

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999.]

APPENDIX B TO PART 37—CERTIFICATIONS

Certification of Equivalent Service

The (name of agency) certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

(1) Response time;
(2) Fares;
(3) Geographic service area;
(4) Hours and days of service;
(5) Restrictions on trip purpose;
(6) Availability of information and reservation capability; and
(7) Constraints on capacity or service availability.

This certification is valid for no longer than one year from its date of filing.

signature

name of authorized official

title

date

Existing Paratransit Service Survey

This is to certify that (name of public entity (ies)) has conducted a survey of existing paratransit services as required by section 37.137(a) of the CAA regulations.

signature

name of authorized official

title

date

Included Service Certification

This is to certify that service provided by other entities but included in the CAA paratransit plan submitted by (name of submitting entity(ies)) meets the requirements of part 37, subpart F of the CAA regulations providing that CAA eligible individuals have access to the service; the service is provided in the manner represented; and, that efforts will be made to coordinate the provision of paratransit service offered by other providers.

signature

name of authorized official

title

date

Joint Plan Certification I

This is to certify that (name of entity covered by joint plan) is committed to providing CAA paratransit service as part of this coordinated plan and in conformance with the requirements of part 37 subpart F of the CAA regulations.

signature

name of authorized official

title

date

Joint Plan Certification II

This is to certify that (name of entity covered by joint plan) will, in accordance with section 37.141 of the CAA regulations, maintain current levels of paratransit service until the coordinated plan goes into effect.

signature

name of authorized official

title

date

PART 38—CONGRESSIONAL ACCOUNTABILITY ACT (CAA) ACCESSIBILITY GUIDELINES FOR TRANSPORTATION VEHICLES

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Subpart A—General

§38.1 Purpose.

This part provides minimum guidelines and requirements for accessibility standards in part 37 of these regulations for transportation vehicles required to be accessible to section 210 of the Congressional Accountability Act (2 U.S.C. 1331, *et seq.*) which, *inter alia*, applies the rights and protections of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 *et seq.*) to covered entities within the Legislative Branch.

§38.2 Equivalent facilitation.

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis by the Office of Compliance under the procedures set forth in §37.7 of these regulations.

§38.3 Definitions.

See §37.3 of these regulations.

§38.4 Miscellaneous instructions.

(a) *Dimensional conventions.* Dimensions that are not noted as minimum or maximum are absolute.

(b) *Dimensional tolerances.* All dimensions are subject to conventional engineering tolerances for material properties and field conditions, including normal anticipated wear not exceeding accepted industry-wide standards and practices.

(c) *Notes.* The text of these guidelines does not contain notes or footnotes. Additional information, explanation, and advisory materials are located in the Appendix.

(d) *General terminology.* (1) *Comply with* means meet one or more specification of these guidelines.

(2) If, or if * * * *then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes as option or alternative.

(4) *Shall* denotes a mandatory specification or requirement.

(5) *Should* denotes an advisory specification or recommendation and is used only in the appendix to this part.

Subpart B—Buses, Vans and Systems

§38.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations issued by the Board of Directors of the Office of Compliance in part 37 of these regulations, shall comply with the applicable provisions of this subpart.

(b) If portions of the vehicle are modified in a way that affects or should affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

§38.23 Mobility aid accessibility.

(a) *General.* All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of

the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, transmission, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where the lift is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., ''rotary lift''), the requirements of this paragraph prohibiting the lift from being stowed while occupied shall not apply if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied.

(4) *Power or equipment failure.* Platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the platform during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the platform is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically raise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the platform is more than 3 inches above the roadway or sidewalk and the platform is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged, or disengaged by the lift operator, provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the platform surface to 30 inches above the platform, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface of the platform. (See Fig.1)

(7) *Platform gaps.* Any openings between the platform surface and the raised barriers shall not exceed ⅝ inch in width. When the platform is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and the vehicle floor shall not exceed ½ inch horizontally and ⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8, measured on level ground, for a maximum rise of 3 inches, and the transition from roadway or sidewalk to ramp may be vertical without edge treatment up to ¼ inch. Thresholds between ¼ inch and ½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll or pitch) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp*—(1) *Design load.* Ramps 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp surface shall be continuous and slip resistant; shall not have protrusions from the surface greater than ¼ inch high; shall have a clear width of 30 inches; and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps shall have the least slope practicable and shall not exceed 1:4 when deployed to ground level. If the height of the vehicle floor from which the ramp is deployed is 3 inches or less above a 6-inch curb, a maximum slope of 1:4 is permitted; if the height of the vehicle floor from which the ramp is deployed is 6 inches or less, but greater than 3 inches, above a 6-inch curb, a maximum slope of 1:6 is permitted; if the height of the vehicle floor from which the ramp is deployed is 9 inches or less, but greater than 6 inches, above a 6-inch curb, a maximum slope of 1:8 is permitted; if the height of the vehicle floor from which the ramp is deployed is greater than 9 inches above a 6-inch curb, a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment.* When in use for boarding or alighting, the ramp shall be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy power mobility aid and that no gap between vehicle and ramp exceeds ⅝ inch.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps, including portable ramps stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop or maneuver.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(d) *Securement devices*—(1) *Design load.* Securement systems on vehicles with GVWRs of 30,000 pounds or above, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds for each mobility aid. Securement systems on vehicles with GVWRs of up to 30,000 pounds, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and

a minimum of 5,000 pounds for each mobility aid.

(2) *Location and size.* The securement system shall be placed as near to the accessible entrance as practicable and shall have a clear floor area of 30 inches by 48 inches. Such space shall adjoin, and may overlap, an access path. Not more than 6 inches of the required clear floor space may be accommodated for footrests under another seat provided there is a minimum of 9 inches from the floor to the lowest part of the seat overhanging the space. Securement areas may have fold-down seats to accommodate other passengers when a wheelchair or mobility aid is not occupying the area, provided the seats, when folded up, do not obstruct the clear floor space required. (See Fig. 2)

(3) *Mobility aids accommodated.* The securement system shall secure common wheelchairs and mobility aids and shall either be automatic or easily attached by a person familiar with the system and mobility aid and having average dexterity.

(4) *Orientation.* In vehicles in excess of 22 feet in length, at least one securement device or system required by paragraph (a) of this section shall secure the wheelchair or mobility aid facing toward the front of the vehicle. In vehicles 22 feet in length or less, the required securement device may secure the wheelchair or mobility aid either facing toward the front of the vehicle or rearward. Additional securement devices or systems shall secure the wheelchair or mobility aid facing forward or rearward. Where the wheelchair or mobility aid is secured facing the rear of the vehicle, a padded barrier shall be provided. The padded barrier shall extend from a height of 38 inches from the vehicle floor to a height of 56 inches from the vehicle floor with a width of 18 inches, laterally centered immediately in back of the seated individual. Such barriers need not be solid provided equivalent protection is afforded.

(b) *Movement.* When the wheelchair or mobility aid is secured in accordance with manufacturer's instructions, the securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions.

(6) *Stowage.* When not being used for securement, or when the securement area can be used by standees, the securement system shall not interfere with passenger movement, shall not present any hazardous condition, shall be reasonably protected from vandalism, and shall be readily accessed when needed for use.

(7) *Seat belt and shoulder harness.* For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of part 571 of title 49 CFR, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

§ 38.25 Doors, steps and thresholds.

(a) *Slip resistance.* All aisles, floor areas where people walk and floors in securement locations shall have slip-resistant surfaces.

(b) *Contrast.* All step edges, thresholds, and the boarding edge of ramps or lift platforms shall have a band of color(s) running the full width of the step or edge which contrasts from the step tread and riser, or lift or ramp surface, either light-on-dark or dark-on-light.

(c) *Door height.* For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

§ 38.27 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.

(b) Each securement location shall have a sign designating it as such.

(c) Characters on signs required by paragraphs (a) and (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case ''X'') of ⅝ inch, with ''wide'' spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background either light-on-dark or dark-on-light.

§ 38.29 Interior circulation, handrails and stanchions.

(a) Interior handrails and stanchions shall permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp.

(b) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows persons with disabilities to grasp such assists from outside the vehicle while starting to board, and to continue using such assists throughout the boarding and fare collection process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used on vehicles in excess of 22 feet in length, a horizontal passenger assist shall be located across the front of the vehicle and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the front door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) For vehicles in excess of 22 feet in length, overhead handrail(s) shall be provided which shall be continuous except for a gap at the rear doorway.

(d) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(e) For vehicles in excess of 22 feet in length with front-door lifts or ramps, vertical stanchions immediately behind the driver shall either terminate at the lower edge of the aisle-facing seats, if applicable, or be ''dog-legged'' so that the floor attachment does not impede or interfere with wheelchair footrests. If the driver seat platform must be passed by a wheelchair or mobility aid user entering the vehicle, the platform, to the maximum extent practicable, shall not extend into the aisle or vestibule beyond the wheel housing.

(f) For vehicles in excess of 22 feet in length, the minimum interior height along the path from the lift to the securement location shall be 68 inches. For vehicles of 22 feet in length or less, the minimum interior height from lift to securement location shall be 56 inches.

§ 38.31 Lighting.

(a) Any stepwell or doorway immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread or lift platform.

(b) Other stepwells and doorways, including doorways in which lifts or ramps are installed, shall have, at all times, at least 2 foot-candles of illumination measured on the step tread, or lift or ramp, when deployed at the vehicle floor level.

(c) The vehicle doorways, including doorways in which lifts or ramps are installed, shall have outside lights(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§ 38.33 Fare box.

Where provided, the farebox shall be located as far forward as practicable and shall not obstruct traffic in the vestibule, especially wheelchairs or mobility aids.

§ 38.35 Public information system.

(a) Vehicles in excess of 22 feet in length, used in multiple-stop, fixed-route service, shall be equipped with a public address system permitting the driver, or recorded or digitized human speech messages, to announce stops and provide other passenger information within the vehicle.

(b) [Reserved]

§ 38.37 Stop request.

(a) Where passengers may board or alight at multiple stops at their option, vehicles in excess of 22 feet in length shall provide controls adjacent to the securement location for requesting stops and which alerts the driver that a mobility aid user wishes to disembark. Such a system shall provide auditory and visual indications that the request has been made.

(b) Controls required by paragraph (a) of this section shall be mounted no higher than 48 inches and no lower than 15 inches above the floor, shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

§ 38.39 Destination and route signs.

(a) Where destination or route information is displayed on the exterior of a vehicle, each vehicle shall have illuminated signs on the front and boarding side of the vehicle.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case ''X'') of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front ''headsigns'', with ''wide'' spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background, either dark-on-light or light-on-dark.

Subpart C—Rapid Rail Vehicles and Systems

§ 38.51 General.

(a) New, used and remanufactured rapid rail vehicles, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(c) Existing vehicles which are retrofitted to comply with the ''one-car-per-train rule'' of §37.93 of these regulations shall comply with §§38.55, 38.57(b), 38.59 of this part and shall have, in new and key stations, at least one door complying with §§38.53(a)(1), (b) and (d) of this part. Removal of seats is not required. Vehicles previously designed and manufactured in accordance with the accessibility requirements of part 609 of title 49 CFR or the Secretary of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991 and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of §37.93 of these regulations.

§38.53 Doorways.

(a) *Clear width.* (1) Passenger doorways on vehicle sides shall have clear openings at least 32 inches wide when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of accessible vehicles operating on an accessible rapid rail system unless all vehicles are accessible and are not marked by the access symbol. (See Fig. 6)

(c) *Signals.* Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform*—(1) *Requirements.* Where new vehicles will operate in new stations, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between each vehicle door at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus ⅝ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air suspension or other suitable means of meeting the requirement.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus 1½ inches of the platform height. At key stations, the horizontal gap between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception.* Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

§38.55 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case ''X'') of ⅝ inch, with ''wide'' spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§38.57 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided to assist safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) Handrails, stanchions, and seats shall allow a route at least 32 inches wide so that at least two wheelchair or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid user circulation and shall be kept to a minimum in the vicinity of doors.

(c) The diameter or width of the gripping surface of handrails and stanchions shall be 1¼ inches to 1½ inches or provide an equivalent gripping surface and shall provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface.

§38.59 Floor surfaces.

Floor surfaces on aisles, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

§38.61 Public information system.

(a)(1) *Requirements.* Each vehicle shall be equipped with a public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted. Each vehicle operating in stations having more than one line or route shall have an external public address system to permit transportation system personnel, or recorded or digitized human speech messages, to announce train, route, or line identification information.

(2) *Exception.* Where station announcement systems provide information on arriving trains, an external train speaker is not required.

(b) [Reserved]

§38.63 Between-car barriers.

(a) *Requirement.* Suitable devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Acceptable solutions include, but are not limited to, pantograph gates, chains, motion detectors or similar devices.

(b) *Exception.* Between-car barriers are not required where platform screens are provided which close off the platform edge and open only when trains are correctly aligned with the doors.

Subpart D—Light Rail Vehicles and Systems

§38.71 General.

(a) New, used and remanufactured light rail vehicles, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b)(1) Vehicles intended to be operated solely in light rail systems confined entirely to a dedicated right-of-way, and for which all stations or stops are designed and constructed for revenue service after the effective date of standards for design and constructions §37.21 and §37.23 of these regulations, shall provide level boarding and shall comply with §38.73(d)(1) and §38.85 of this part.

(2) Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with §38.83 (b) or (c) of this part.

(c) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(d) Existing vehicles retrofitted to comply with the ''one-car-per-train rule'' at §37.93 of these regulations shall comply with §38.75, §38.77(c), §38.79(a) and §38.83(a) of this part and shall have, in new and key stations, at least one door which complies with §§38.73(a)(1), (b) and (d). Vehicles previously designed and manufactured in accordance with the accessibility requirements of 49 CFR part 609 or the Secretary of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991 and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of §37.93 of these regulations.

§38.73 Doorways.

(a) *Clear width.* (1) All passenger doorways on vehicle sides shall have minimum clear openings of 32 inches when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of each vehicle operating on an accessible light rail system unless all vehicles are accessible and are not marked by the access symbol. (See Fig. 6)

(c) *Signals.* Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform*—(1) *Requirements.* The design of level-entry vehicles shall be coordinated with the boarding platform or mini-high platform design so that the horizontal gap between a vehicle at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus ⅝ inch of the platform height. Vertical alignment may be accomplished by vehicle air suspension, automatic ramps or lifts, or any combination.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus 1½ inches of the platform height. At key stations, the horizontal gap between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception.* Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

(4) *Exception.* Where it is not operationally or structurally practicable to meet the horizontal or vertical requirements of paragraphs (d) (1), (2) or (3) of this section, platform or vehicle devices complying with §38.83(b) or platform or vehicle mounted ramps or bridge plates complying with §38.83(c) shall be provided.

§38.75 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Where designated wheelchair or mobility aid seating locations are provided, signs shall indicate the location and advise other passengers of the need to permit wheelchair and mobility aid users to occupy them.

(c) Characters on signs required by paragraphs (a) or (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case ''X'') of ⅝ inch, with ''wide'' spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§38.77 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) At entrances equipped with steps, handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) At all doors on level-entry vehicles, and at each entrance accessible by lift, ramp, bridge plate or other suitable means, handrails, stanchions, passenger seats, vehicle driver seat platforms, and fare boxes, if applicable, shall be located so as to allow a route at least 32 inches wide so that at least two wheelchairs or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid circulation and shall be kept to a minimum in the vicinity of accessible doors.

§38.79 Floors, steps and thresholds.

(a) Floor surfaces on aisles, step treads, places for standees, and areas wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All thresholds and step edges shall have a band of color(s) running the full width of the step or threshold which contrasts from the step tread and riser or adjacent floor, either light-on-dark or dark-on-light.

§38.81 Lighting.

(a) Any stepwell or doorway with a lift, ramp or bridge plate immediately adjacent to the driver shall have, when the door is open, at least 2 footcandles of illumination measured on the step tread or lift platform.

(b) Other stepwells, and doorways with lifts, ramps or bridge plates, shall have, at all times, at least 2 footcandles of illumination measured on the step tread or lift or ramp, when deployed at the vehicle floor level.

(c) The doorways of vehicles not operating at lighted station platforms shall have outside lights which provide at least 1 foot candle of illumination on the station platform or street surface for a distance of 3 feet perpendicular to all points on the bottom step tread. Such lights shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§38.83 Mobility aid accessibility.

(a)(1) *General.* All new light rail vehicles, other than level entry vehicles, covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift ramp or bridge plate) complying with either paragraph (b) or (c) of this section and sufficient clearances to permit at least two wheelchair or mobility aid users to reach areas, each with a minimum clear floor space of 48 inches by 30 inches, which do not unduly restrict passenger flow. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required.

(2) *Exception.* If lifts, ramps or bridge plates meeting the requirements of this section are provided on station platforms or other stops required to be accessible, or mini-high platforms complying with §38.73(d) of this part are provided, the vehicle is not required to be equipped with a car-borne device. Where each new vehicle is compatible with a single platform-mounted access system or device, additional systems or devices are not required for each vehicle provided that the single device could be used to provide access to each new vehicle if passengers using wheelchairs or mobility aids could not be accommodated on a single vehicle.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, propulsion system, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The life shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where physical or safety constraints prevent the deployment at some stops of a lift having its long dimension perpendicular to the vehicle axis, the transportation entity may specify a lift which is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., ''rotary lift''). The requirements off paragraph (b)(2)(i) of this section prohibiting the lift from being stowed while occupied shall not apply to a lift design of this type if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(iii) *Exception.* The brake or propulsion system interlocks requirement does not apply to a station platform mounted lift provided that a mechanical, electrical or other system operates to ensure that vehicles do not move when the lift is in use.

(3) *Emergency operation.* the lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift intended to be stowed while occupied.

(4) *Power or equipment failure.* Lift platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the lift during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the lift is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically rise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the lift is more than 3 inches above the station platform or roadway and the lift is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The lift platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The lift platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the lift platform surface to 30 inches above the surface, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface. (See Fig. 1)

(7) *Platform gaps.* Any openings between the lift platform surface and the raised barriers

shall not exceed ⅝ inch wide. When the lift is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and vehicle floor shall not exceed ½ inch horizontally and ⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8 measured on level ground, for a maximum rise of 3 inches, and the transition from the station platform or roadway to ramp may be vertical without edge treatment up to ¼ inch. Thresholds between ¼ inch and ½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the lift platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

(12) *Use of standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The lift may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails, on two sides, which move in tandem with the lift which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp or bridge plate*—(1) *Design load.* Ramps or bridge plates 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp or bridge plate distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps or bridge plates shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp or bridge plate surface shall be continuous and slip resistant, shall not have protrusions from the surface greater than ¼ inch, shall have a clear width of 30 inches, and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or station platform and the transition from vehicle floor to the ramp or bridge plate may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp or bridge plate shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps or bridge plates shall have the least slope practicable. If the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 3 inches or less above the station platform a maximum slope of 1:4 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 6 inches or less, but more than 3 inches, above the station platform a maximum slope of 1:6 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 9 inches or less, but more than 6 inches, above the station platform a maximum slope of 1:8 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is greater than 9 inches above the station platform a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment.*—(i) *Requirement.* When in use for boarding or alighting, the ramp or bridge plate shall be attached to the vehicle, or otherwise prevented from moving such that it is not subject to displacement when loading or unloading a heavy power mobility aid and that any gaps between vehicle and ramp or bridge plate, and station platform and ramp or bridge plate, shall not exceed ⅝ inch.

(ii) *Exception.* Ramps or bridge plates which are attached to, and deployed from, station platforms are permitted in lieu of vehicle devices provided they meet the displacement requirements of paragraph (c)(6)(i) of this section.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps or bridge plates, including portable ramps or bridge plates stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

§ 38.85 Between-car barriers.

Where vehicles operate in a high-platform, level-boarding mode, devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Appropriate devices include, but are not limited to, pantograph gates, chains, motion detectors or other suitable devices.

§ 38.87 Public information system.

(a) Each vehicle shall be equipped with an interior public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted.

(b) [Reserved].

38.91–38.127 [Reserved]

Subpart F—Over-the-Road Buses and Systems

§ 38.151 General.

(a) New, used and remanufactured over-the-road buses, to be considered accessible by regulations, in part 37 of these regulations shall comply with this subpart.

(b) Over-the-road buses covered by § 37.7(c) of these regulations shall comply with § 38.23 and this subpart.

§ 38.153 Doors, steps and thresholds.

(a) Floor surfaces on aisles, step treads and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All step edges shall have a band of color(s) running the full width of the step which contrasts from the step tread and riser, either dark-on-light or light-on-dark.

(c) To the maximum extent practicable, doors shall have a minimum clear width when open of 30 inches, but in no case less than 27 inches.

§ 38.155 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Hardrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(b) Where provided within passenger compartment, handrails or stanchions shall be sufficient to permit safe on-board circulation, seating and standing assistance, and alighting by person with disabilities.

§ 38.157 Lighting.

(a) Any stepwell or doorway immediately adjacent to the drive shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread.

(b) The vehicle doorway shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and existing passengers.

§ 38.159 Mobility aid accessibility. [Reserved]

Subpart G—Other Vehicles and Systems

§ 38.171 General.

(a) New, used and remanufactured vehicles and conveyances for systems not covered by other subparts of this part, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b) If portions of the vehicle or conveyance are modified in a way that affects or could

affect accessibility, each such portions shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

§38.173 Automated guideway transit vehicles and systems.

(a) Automated Guideway Transit (AGT) vehicles and systems, sometimes called ''People movers,'' operated in airports and other areas where AGT vehicles travel at slow speed (i.e., at a speed of no more than 20 miles per hour at any location on their route during normal operation), shall comply with the provisions of §38.53(a) through (c), and §§38.55 through 38.61 of this part for rapid rail vehicles and systems.

(b) Where the vehicle covered by paragraph (a) of this section will operate in an accessible station, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between a vehicle door at rest and the platform shall be no greater than 1 inch and the height of the vehicle floor shall be within plus or minus ½ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air suspension or other suitable means of meeting the requirement.

(c) In stations where open platform are not protected by platform screens, a suitable devices or system shall be provided to prevent, deter or warn individuals from stepping off the platform between cars. Acceptable devices include, but are not limited to, pantograph gates, chains, motion detectors or other appropriate devices.

(d) Light rail and rapid rail AGT vehicles and systems shall comply with subpart D and C of this part, respectively. AGT systems whose vehicles travel at a speed of more than 20 miles per hour at any location on their route during normal operation are covered under this paragraph rather than under paragraph (a) of this subsection.

§38.175 [Reserved]

§38.177 [Reserved]

§38.179 Trams, similar vehicles and systems.

(a) New and used trams consisting of a tractor unit, with or without passenger accommodations, and one or more passenger trailer units, including but not limited to vehicles providing shuttle service to remote parking areas, between hotels and other public accommodations, and between and within amusement parks and other recreation areas, shall comply with this section. For purposes of determining applicability of §§37.101 or 37.105 of these regulations, the capacity of such a vehicle or ''train'' shall consist of the total combined seating capacity of all units, plus the driver, prior to any modification for accessibility.

(b) Each tractor unit which accommodates passengers and each trailer unit shall comply with §38.25 and §38.29 of this part. In addition each unit shall comply with §§38.23(b) or (c) and shall provide at least one space for wheelchair of mobility aid users complying with §38.23(d) of this part unless the complete operating unit consisting of tractor and one or more trailers can already accommodate at least two wheelchair or mobility aid users.

Figures in Part 38—[Copies of these figures may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999.]

APPENDIX TO PART 38—GUIDANCE MATERIAL

This appendix contains materials of an advisory nature and provides additional information that should help the reader to understand the minimum requirements of the guidelines or to design vehicles for greater accessibility. Each entry is applicable to all subparts of this part except where noted. Nothing in this appendix shall in any way obviate any obligation to comply with the requirements of the guidelines themselves.

I. Slip Resistant Surfaces— Aisles, Steps, Floor Area where People Walk, Floor Areas in Securement Locations, Lift Platforms, Ramps

Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under conditions likely to be found on the surface. While the dynamic coefficient of friction during walking varies in a complex and nonuniform way, the static coefficient of friction, which can be measured in several ways, provides a close approximation of the slip resistance of a surface, Contrary to popular belief, some slippage is necessary to walking, especially for persons with restricted gaits; a truly ''non-slip'' surface could not be negotiated.

The Occupational Safety and Health Administration recommends that walking surfaces have a static coefficient of friction of 0.5. A research project sponsored by the Architectural and Transportation Barriers Compliance Board (Access Board) conducted tests with persons with disabilities and concluded that a higher coefficient of friction was needed by such persons. A static coefficient of friction of 0.6 is recommended for steps, floors, and lift platforms and 0.8 for ramps.

The coefficient of friction varies considerably due to the presence of contaminants, water, floor finishes, and other factors not under the control of transit providers and may be difficult to measure. Nevertheless, many common materials suitable for flooring are now labeled with information on the static coefficient of friction. While it may not be possible to compare one product directly with another, or to guarantee a constant measure, transit operators or vehicle designers and manufacturers are encouraged to specify materials with appropriate values. As more products include information on slip resistance, improved uniformity in measurement and specification is likely. The Access Board's advisory guidelines on Slip Resistant Surfaces provides additional information on this subject.

II. color contrast—Step Edges. Lift Platform Edges

The material used to provide contrast should contrast by at least 70% Contrast in percent is determined by:

$$\text{Contrast}=[(B_1-B_2)/B_1]100$$

Where B_1=light reflectance value (LRV) of the lighter area and B_2=light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

III. Handrails and Stanchions

In addition to the requirements for handrails and stanchions for rapid, light, and commuter rail vehicles, consideration should be given to the proximity of handrails or stanchions to the area in which wheelchair or mobility aid users may position themselves. When identifying the clear floor space where a wheelchair or mobility aid user can be accommodated, it is suggested that at least one such area be adjacent or in close proximity to a handrail or stanchion. Of course, such a handrail or stanchion cannot encroach upon the required 32 inch width required for the doorway or the route leading to the clear floor space which must be at least 30 by 48 inches in size.

IV. Priority Seating Signs and Other Signage

A. *Finish and Contrast.* The characters and background of signs should be eggshell, matte, or other non-glare finish. An eggshell finish (11 to 19 degree gloss on 60 degree glossimeter) is recommended. Characters and symbols should contrast with their background—either light characters on a dark background or dark characters on a light background. Research indicates that signs are more legible for persons with low vision when characters contrast with their background by at least 70 percent. Contrast in percent is determined by:

$$\text{Contrast}=[B_1-B_2)/B_1]100$$

Where B_1=light reflectance value (LRV) of the lighter area and B_2=light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

The greatest readability is usually achieved through the use of light-colored characters or symbols on a dark background.

B. *Destination and Route Signs.* The following specifications, which are required for buses (§38.39), are recommended for other types of vehicles, particularly light rail vehicles, where appropriate.

1. Where destination or route information is displayed on the exterior of a vehicle, each vehicle should have illuminated signs on the front and boarding side of the vehicle.

2. Characters on signs covered by paragraph IV.B.1 of this appendix should have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case ''X'') of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front ''headsigns,'' with ''wide'' spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and should contrast with the background, either dark-on-light or light-on-dark, or as recommended above.

C. *Designation of Accessible Vehicles.* The International Symbol of Accessibility should be displayed as shown in Figure 6.

V. Public Information Systems

There is currently no requirement that vehicles be equipped with an information system which is capable of providing the same or equivalent information to persons with hearing loss. While the Department of Transportation assesses available and soon-to-be available technology during a study conducted during Fiscal Year 1992, entities are encouraged to employ whatever services, signage or alternative systems or devices that provide equivalent access and are available. Two possible types of devices are visual display systems and listening systems. However, it should be noted that while visual display systems accommodate persons who are deaf or are hearing impaired, assistive listening systems aid only those with a partial loss of hearing.

A. *Visual Display System.* Announcements may be provided in a visual format by the use of electronic message boards or video monitors.

Electronic message boards using a light emitting diode (LED) or ''flip-dot'' display are currently provided in some transit stations and terminals and may be usable in vehicles. These devices may be used to provide real time or pre-programmed messages; however, real time message displays require the availability of an employee for keyboard entry of the information to be announced.

Video monitor systems, such as visual paging systems provided in some airports (e.g., Baltimore-Washington International Airport), are another alternative. The Architectural and Transportation Barriers Compliance Board (Access Board) can provide technical assistance and information on these systems (''Airport TDD Access: Two Case Studies,'' (1990)).

B. *Assistive Listening Systems.* Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications.

An assistive listening system appropriate for transit vehicles, where a group of persons or where the specific individuals are not known in advance, may be different from the system appropriate for a particular individual provided as an auxiliary aid or as part of a reasonable accommodation. The appropriate device for an individual is the type that individual can use, whereas the appropriate system for a station or vehicle will necessarily be geared toward the ''average'' or aggregate needs of various individuals. Earphone jacks with variable volume controls can benefit only people who have slight hearing loss and do not help people who use hearing aids. At the present time, magnetic induction loops are the most feasible type of listening system for people who use hearing aids equipped with ''T-coils'', but people without hearing aids or those with hearing aids not equipped with inductive pick-ups cannot use them without special receivers. Radio frequency systems can be extremely effective and inexpensive. People without hearing aids can use them, but people with hearing aids need a special receiver to use them as they are presently designed. If hearing aids had a jack to allow a by-pass of microphones, then radio frequency systems would be suitable for people with and without hearing aids. Some listening systems may be subject to interference from other equipment and feedback from hearing aids of people who are using the systems. Such interference can be controlled by careful engineering design that anticipates feedback sources in the surrounding area.

The Architectural and Transportation Barriers Compliance Board (Access Board) has published a pamphlet on Assistive Listening Systems which lists demonstration centers across the country where technical assistance can be obtained in selecting and installing appropriate systems. The state of New York has also adopted a detailed technical specification which may be useful.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows

823. A communication from the President of the United States, transmitting his request to make available appropriations totaling $75,000,000 to the Department of Justice, $10,525,000 to the Department of State, $3,171,000 to the Judiciary, and $112,900,000 to the special forfeiture fund within funds appropriated to the President—received in the U.S. House of Representatives November 12, 1996, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–19; to the Committee on Appropriations and ordered to be printed.

824. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Navy violation, case No. 94–09, which totaled $691,686, occurred in the fiscal year 1989, fiscal year 1990, fiscal year 1991, and fiscal year 1992 other procurement, Navy appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

825. A letter from the Secretary of Defense, transmitting the 1995–96 joint military net assessment, pursuant to 10 U.S.C. 113(j)(1); to the Committee on National Security.

826. A letter from the Under Secretary of Defense, transmitting the Secretary's selected acquisition reports [SAR's] for the quarter ending December 31, 1995, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

827. A letter from the Secretary of Defense, transmitting the Secretary's selected acquisition reports [SAR's] for the quarter ending June 30, 1996, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

828. A letter from the Under Secretary of Defense, transmitting the final report on the United States-China Joint Defense Conversion Commission [JDCC] for the period February 10, 1996 through July 19, 1996 when the Commission was terminated, pursuant to Public Law 104–106, section 1343(a) (110 Stat. 487); to the Committee on National Security.

829. A letter from the Chairman, Joint Chiefs of Staff, transmitting the 1996 force readiness assessment, March 1996, pursuant to section 376 of the Defense Authorization Act of fiscal year 1994; to the Committee on National Security.

830. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the Department's fourth semiannual report to Congress, as required by section 403 of the Mexican Debt Disclosure Act of 1995, and the December monthly report to Congress, as required by section 404 of the same act pursuant to Public Law 104–6, section 403(a) (109 Stat. 89); to the Committee on Banking and Financial Services.

831. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Lithuania, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

832. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

833. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the Corporation's fiscal year 1994 annual report; to the Committee on Education and the Workforce.

834. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Energy Information Administration's report entitled ''Annual Energy Outlook 1997,'' pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Commerce.

835. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 109] (RIN: 2127–AG60) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Adverse Side Effects of Air Bags; Correcting Amendment (Federal Aviation Administration) [Docket No. 74–14; Notice 106] (RIN: 2127–AG14) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

837. A letter from the Director of Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone [LA–34–1–7300; FRL–5670–4] received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

838. A letter from the Director of Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Michigan [MI48–02–7254; FRL–5662–5] received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

839. A letter from the Director of Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources [FRL–5667–8] (RIN: 2060–AD06) received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

840. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's report on smokeless tobacco sales and advertising expenditures data for 1994 and 1995, and updates the 1995 annual report transmitted to Congress, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

841. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 05–97) received January 5, 1997, pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

842. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning the joint strike fighter [JSF] requirements validation [RV] memorandum of agreement [MOA] (Transmittal No. 20–96) received December 20, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

843. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

844. A letter from the Director, Arms Control and Disarmament Agency, transmitting the Agency's annual report entitled ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1995,'' pursuant to Public Law 100–213, section 4 (101 Stat. 1445); to the Committee on International Relations.

845. A letter from the Director, Arms Control and Disarmament Agency, transmitting the Agency's classified summary report and compliance annexes to the U.S. Arms Control and Disarmament Agency's [ACDA] 1995 annual report (U), pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

846. A letter from the Inspector General, Department of Commerce, transmitting the Department's report entitled ''Annual Reports on Improving Export Control Mechanisms and on Military Assistance''; to the Committee on International Relations.

847. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

848. A letter from the Deputy Secretary of Defense, transmitting the Cooperative Threat Reduction [CTR] Program plan for fiscal years 1997–2001, pursuant to section 1205 of the National Defense Authorization

Act for fiscal year 1995; to the Committee on International Relations.

849. A communication from the President of the United States, transmitting the 1995 annual report of the U.S. Arms Control and Disarmament Agency [ACDA], pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

850. A letter from the Secretary of Defense, transmitting the Department's report entitled ''Report on Accounting for United States Assistance Under the Cooperative Threat Reduction Program Calendar Year 1995,'' pursuant to section 1206 of the National Defense Authorization Act for fiscal year 1996; to the Committee on International Relations.

851. A communication from the President of the United States, transmitting his follow-up report on the deployment of combat-equipped United States Armed Forces to Bosnia and other states in the region in order to participate in and support the North Atlantic Treaty Organization-led Implementation Force [IFOR]—received in the United States House of Representatives December 20, 1996 (H. Doc. No. 105–21); to the Committee on International Relations and ordered to be printed.

852. A letter from the General Counsel, United States Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the agreement and four joint statements negotiated by the Joint Compliance Inspection Commission [JCIC] and concluded during JCIC–XII, pursuant to Executive Order No. 12958, section 1.5(b); to the Committee on International Relations.

853. A communication from the PRESIDENT OF THE UNITED STATES, transmitting his report on the implementation of locality-based comparability payments for General Schedule employees for calendar year 1997—Received in the U.S. House of Representatives November 22, 1996, pursuant to 5 U.S.C. 5305(a)(3) (H. Doc. No. 105–20); to the Committee on Government Reform and Oversight and ordered to be printed.

854. A letter from the Acting Comptroller General of the United States, transmitting a list of all reports issued or released in November 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

855. A letter from the Secretary, American Battle Monuments Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

856. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

857. A letter from the Inspector General, Corporation for National Service, transmitting the Corporation's report on the follow-up study to the auditability survey; to the Committee on Government Reform and Oversight.

858. A letter from the Administrator, Environmental Protection Agency, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

859. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1996, through September 30, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 59(b); to the Committee on Government Reform and Oversight.

860. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

861. A letter from the Chairman, Federal Communications Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

862. A letter from the Chairman, Federal Trade Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

863. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register, including all financial recommendations, for the period ending September 30, 1996, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

864. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1996, through September 30, 1996, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

865. A letter from the National Endowment for the Arts, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

866. A letter from the Railroad Retirement Board, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

867. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

868. A letter from the Secretary of the Treasury, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

869. A letter from the Secretary of Defense, transmitting the classified annex to the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

870. A letter from the Secretary of Defense, transmitting the semiannual report on activities of the inspector general, and classified annex for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

871. A letter from the Secretary of Education, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

872. A letter from the Chairman, Securities and Exchange Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

873. A letter from the Chairperson, U.S. Commodity Futures Trading Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

874. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

875. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

876. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

877. A letter from the Director, U.S. Information Agency, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

878. A letter from the Secretary of the Treasury, transmitting the Department's ''Audit Plan of the Secretary of the Treasury on the Uses and Counterfeiting of U.S. Currency in Foreign Countries,'' pursuant to section 807 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132); to the Committee on the Judiciary.

879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulation; Charleston Harbor and Cooper River, SC (U.S. Coast Guard) [COTP Charleston 96–034] (RIN: 2115–AA97) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Offshore Supply Vessels; Alternate Tonnage (U.S. Coast Guard) [CGD 96–058] (RIN: 2115–AF35) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Rail Fixed Guideway Systems; State Safety Oversight (Federal Transmit Administration) [49 CFR Part 659] (RIN: 2132–AA57) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules (U.S. Coast Guard) [CGD 95–010] (RIN: 2115–AF11) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Back River and Foster Creek, Charleston, SC (U.S. Coast Guard) [COTP Charleston 96–072] (RIN: 2115–AA97) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Roadway Worker Protection (Federal Railroad Administration) [FRA Docket No. RSOR 13, Notice No. 9] (RIN: 2130–AA86) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Railroad Accident Reporting (Response to Remaining Issues in Petitions for Reconsideration) (Federal Railroad Administration) [FRA Docket No. RAR–4, Notice No. 16] (RIN: 2130–AB13) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Relief Program (Federal Highway Administration) [FHWA Docket No. 95–25] (RIN: 2125–AD60) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Reporting of Drug and Alcohol Testing Results (Research and Special Programs Administration) [Docket No. PS–152; Amdt. 199–14] (RIN: 2137–AC95) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—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. No. 171–149] (RIN: 2137–AC82) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Fishing Industry Vessel Regulations (U.S. Coast Guard) [CGD 96–046] (RIN: 2115–AF35) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida (U.S. Coast Guard) [CGD07–96–0641] (RIN: 2115–AE47) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Savannah, GA (U.S. Coast Guard) [COTP Savannah 96–073] (RIN: 2115–AA97) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Management and Monitoring Systems (Federal Highway Administration) [FHWA/FTA Docket No. 92–14] (RIN: 2125–AC97) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Power Brake Regulation: Two-way End-of-Train Telemetry Devices (Federal Railroad Administration) [FRA Docket No. PB–9, Notice No. 6] (RIN: 2130–AA73) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–280–AD; Amdt. 39–9868; AD 96–26–52] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Mode 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–244–AD; Amdt. 39–9861; AD 96–25–18] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; FLS Aerospace (Lovaux) Ltd. OA7 Optica Series 300 Airplanes (Federal Aviation Administration) [Docket No. 96–CE–12–AD; Amdt. 39–9865; AD 96–26–02] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Mode 747 Series Airplanes [Docket No. 96–NM–279–Ad; Amdt. 39–9867; AD 96–26–04] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sundstrand T–62T–40C Series Auxiliary Power Units (Federal Aviation Administration) [Docket No. 96–ANE–27; Amdt. 39–9855; AD 96–25–12] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–271–AD; Amdt. 39–9856; AD 96–25–13] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –30, and –40 Series Airplanes, and KC–10 (Military) Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–135–AD; Amdt. 39–9857; AD 96–25–14] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–58–AD; Amdt. 39–9852; AD 96–25–09] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–164–AD; Amdt. 39–9849; AD 96–25–07] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, –211, –212, and –231 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–47–AD; Amdt. 39–9847; AD–96–25–05] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–176–AD; Amdt. 39–9846; AD 96–25–04] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10A (Military) Airplanes (Federal Aviation Administration) [Docket No. 95–NM–199–AD; Amdt. 39–9839; AD 96–24–15] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–57; Amdt. 39–9853; AD 96–25–10] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–200 Series Airplanes; McDonnell Douglas MD–11 Airplanes; and British Aerospace Avro Model 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–121–AD; Amdt. 39–9858; AD 96–25–15] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Don Luscombe Aviation History Foundation Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T–8F Airplanes (Federal Aviation Administration) [Docket No. 95–CE–99–AD; Amdt. 39–9841; AD 96–24–17] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–800A, Model Hawker 800, and Model Hawker 800XP Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–136–AD; Amdt. 39–9840; AD 96–24–16] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–201–AD; Amdt. 39–9848; AD 96–25–06] (RIN: 2120–AA64) received December 19, 1994, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–248–AD; Amdt. 39–9838; AD 96–24–14] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–268–AD; Amdt. 39–9850; AD 96–24–10] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–160–AD; Amdt. 39–9862; AD 96–25–19] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Los Angeles Class B Airspace Area; CA (Federal Aviation Administration) [Airspace Docket No. 93–AWA–13] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Stage 2 Airplane Operations [Docket No. 28213; Amdt. No. 91–252] (RIN: 2120–AE83) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E2 Airspace; Winston-Salem, NC (Federal Aviation Administration) [Airspace Docket No. 96–ASO–37] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins (Federal Aviation Administration) [Docket No. 27704, Amdt. No. 25–89] (RIN: 2120–AD47) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Grass Valley, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–25] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Casa Grande, AZ (Federal Aviation Administration) [Airspace Docket No. 96–AWP–22] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Gettysburg, SD; Gettysburg Municipal Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–12] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition of Oxygen Generators as Cargo in Passenger-Aircraft (Research and Special Programs Administration) [Docket No. HM–224; Amdt. Nos. 171–146; and 173–254] (RIN: 2137–AC89) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

922. A letter from the Chairman, Arctic Research Commission, transmitting the Commission's annual reports for fiscal years 1994 and 1995, pursuant to 15 U.S.C. 4103(b); to the Committee on Science.

923. A letter from the Secretary of Energy, transmitting the Department's report on the continued production of the naval petroleum reserves beyond April 5, 1997; jointly to the Committees on National Security and Commerce.

924. A letter from the Under Secretary of Defense, transmitting notification of the Department's intent to transfer funds authorized by sections 8006, 9006, 8006, 8005, and 8005 of the Department of Defense appropriations acts for fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, and fiscal year 1996, respectively, and sections 1001, 1001, 1101, 1001, and 1001 of the Department of Defense authorization acts for those same years; jointly, to the Committees on National Security and Appropriations.

925. A letter from the Chairman, Federal Communications Commission, transmitting the 81st annual report of the Federal Trade Commission, pursuant to 47 U.S.C. 154(k); jointly, Committees on Commerce and the Judiciary.

926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for assistance to Eastern Europe and the Baltic States, pursuant to 22 U.S.C. 2394–1(a); jointly, to the Committees on International Relations and Appropriations.

927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report of the Dole Amendment restrictions on assistance to Haiti; jointly to the Committees on International Relations and Appropriations.

928. A letter from the Executive Director, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committees on House Oversight and Education and the Workforce.

929. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of regulations for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Education and the Workforce.

930. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of regulations for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Education and the Workforce.

931. A communication from the President of the United States, transmitting notification to the Congress that the United States has the capability to prevent the illegal importation of nuclear, biological, and chemical weapons into the United States and its possessions, pursuant to section 229 of the National Defense Authorization Act for fiscal year 1997; jointly, to the Committees on National Security, International Relations, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

Under clause 5 of Rule X and clause 4 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself, Mr. GOODLING, Mrs. MYRICK, Ms. DUNN of Washington, Ms. MOLINARI, Mr. GREENWOOD, Mr. SHAYS, Mr. STENHOLM, Ms. PRYCE of Ohio, Mr. DOOLEY of California, Mr. UPTON, Mrs. FOWLER, Mr. FOX of Pennsylvania, Ms. GRANGER, Mr. CAMPBELL, Mr. PETRI, Mr. FAWELL, Mr. RIGGS, Mr. KNOLLENBERG, Mr. NORWOOD, Mr. BURR of North Carolina, Mr. HERGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. INGLIS of South Carolina, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. COBURN, Mr. MCCOLLUM, Mr. EHLERS, Mr. BARTLETT of Maryland, Mr. GOSS, Mr. GOODLATTE, Mr. MCINTOSH, Mr. LATOURETTE, Mr. NEY, Mr. BUNNING of Kentucky, Mr. BOEHNER, and Mr. SMITH of Texas):

H.R. 1. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. LAZIO of New York:

H.R. 2. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM (for himself, Mr. COBLE, Mr. BARR of Georgia, Mr. BRYANT, and Mr. CANADY of Florida):

H.R. 3. A bill to combat violent youth crime and increase accountability for juvenile criminal offenses; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H.R. 4. A bill to provide off-budget treatment for the highway trust fund, the airport and airway trust fund, the inland waterways trust fund, and the harbor maintenance trust fund; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. RIGGS, Mr. CASTLE, Mr. PETRI, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. TALENT, Mr. GREENWOOD, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. NORWOOD, and Mr. CUNNINGHAM):

H.R. 5. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. CLAY, and Mr. KILDEE):

H.R. 6. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BILBRAY (for himself, Mr. ARCHER, Mr. BALLENGER, Mr. BEREUTER, Mr. BRYANT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. JONES, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. MCKEON, Mr. PACKARD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SKEEN, Mr. TRAFICANT, Mr. WAMP, Mr. WELDON of Florida, and Mr. WELLER):

H.R. 7. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. FILNER, Mr. HUNTER, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BONO, and Mr. CONDIT):

H.R. 8. A bill 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 vehicles emissions, and for other purposes; to the Committee on Commerce.

By Mr. SERRANO:

H.R. 9. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mrs. ROUKEMA, Mr. CASTLE, and Mr. LAZIO of New York):

H.R. 10. A bill 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; referred to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 11. A bill to amend the Federal Election Campaign Act of 1971 to prohibit political action committees from making contributions or expenditures for the purpose of influencing elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. SCHUMER (for himself and Mr. NADLER):

H.R. 12. A bill to prevent handgun violence and illegal commerce in handguns; to the Committee on the Judiciary.

By Mr. BASS:

H.R. 13. A bill to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of owner of the lands; to the Committee on Resources.

By Mr. DREIER (for himself, Ms. MCCARTHY of Missouri, Mr. ENGLISH of Pennsylvania, Mr. MORAN of Virginia, and Mr. HALL of Texas.

H.R. 14. A bill to amend the Internal Revenue Code of 1986 to provide maximum rates of tax on capital gains of 14 percent for individuals and 28 percent for corporations and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. CARDIN):

H.R. 15. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 17. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by allowing more individuals to make contributions to individual retirement plans, and for other purposes; to the Committee on Ways and Means.

H.R. 18. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent the amount of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

H.R. 19. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for higher education expenses; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 20. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the U.S. Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS:

H.R. 21. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. MCHUGH:

H.R. 22. A bill to reform the postal laws of the United States; to the Committee on Government Reform and Oversight.

By Mr. CLAY:

H.R. 23. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARR of Georgia:

H.R. 24. A bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EHLERS:

H.R. 25. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself and Mr. STUMP):

H.R. 26. A bill to amend title 18, United States Code, to provide that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply if the conviction occurred before the prohibitions became law; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself, Mr. BARTON of Texas, Mr. SOLOMON, Mr. COBLE, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BARCIA of Michigan, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. STUMP, Mr. COLLINS, Mrs. CHENOWETH, Mr. COBURN, Mr. CONDIT, Mr. BURTON of Indiana, and Mr. HOLDEN):

H.R. 27. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 28. A bill to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas; to the Committee on Banking and Financial Services.

By Mr. RANGEL (for himself, Mr. GEPHARDT, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. NEAL of Massachusetts, Mr. KENNEDY of Massachusetts, Ms. JACKSON-LEE, Mr. PORTMAN, Mr. SERRANO, Mr. CONYERS, Mr. SABO, Mr. UNDERWOOD, Mrs. MEEK of Florida, Mr. PAYNE, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Ms. WATERS, Mr. JEFFERSON, Ms. NORTON, Mr. NADLER, Mr. JACKSON, Mr. HASTINGS of Florida, Ms. DELAURO, Mr. MATSUI, and Mr. BARRETT of Wisconsin):

H.R. 29. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the ''Ronald H. Brown Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS:

H.R. 30. A bill to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated; to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. KANJORSKI):

H.R. 31. A bill to reform the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BAKER (for himself, Mr. BACHUS, and Mr. LAZIO of New York):

H.R. 32. A bill to terminate the property disposition program of the Department of Housing and Urban Development providing single family properties for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BEREUTER:

H.R. 33. A bill to amend the Housing and Community Development Act of 1992 to extend the loan guarantee program for Indian housing; to the Committee on Banking and Financial Services.

H.R. 34. A bill to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office; to the Committee on House Oversight.

H.R. 35. A bill to provide a more effective remedy for inadequate trade benefits extended to the United States by other countries and for restrictions on free emigration imposed by other countries; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. BERMAN, Mr. GILMAN, Mr. CRANE, and Mr. MATSUI):

H.R. 36. A bill to authorize the extension of nondiscriminatory treatment (most-favored-

nation treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 37. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Government Reform and Oversight.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 38. A bill to provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before having an opportunity to participate in the survivor benefit plan; to the Committee on National Security.

By Mr. YOUNG of Alaska (for himself and Mr. CUNNINGHAM):

H.R. 39. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. FATTAH, Mr. FOGLIETTA, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. OWENS, Mr. RUSH, and Mr. TOWNS):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGRICH:

H.R. 41. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the value of the service not performed for the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

H.R. 43. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the compensation paid by the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

H.R. 44. A bill to amend title 10, United States Code, to provide limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr CLEMENT:

H.R. 45. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 46. A bill to repeal the provision of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 47. A bill to make Members of Congress ineligible to participate in the Federal Employees' Retirement System; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 48. A bill to limit the duration of certain benefits afforded to former Presidents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 49. A bill to amend title 39, United States Code, to prevent the U.S. Postal Service from disclosing the names or addresses of any postal patrons or other persons, except under certain conditions; to the Committee on Government Reform and Oversight.

H.R. 50. A bill to provide for the operation of a combined post exchange and commissary store at Castle Air Force Base, CA, a military installation selected for closure under the base closure laws, in order to ensure that adequate services remain available to the numerous members of the Armed Forces, retired members, and their dependents who reside in the vicinity of the installation; to the Committee on National Security.

H.R. 51. A bill to amend title 10, United States Code, to provide that persons retiring from the Armed Forces shall be entitled to all benefits which were promised them when they entered the Armed Forces; to the Committee on National Security.

H.R. 52. A bill to establish a code of air information practices for health information, to amend section 552a of title 5, United States Code, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. ROTHMAN, Mr. FARR of California, Mr. UNDERWOOD, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. FROST, Ms. NORTON, Mr. MENENDEZ, Ms. JACKSON-LEE, and Mr. GREEN):

H.R. 53. A bill to amend the Internal Revenue Code of 1986 to establish a Higher Education Accumulation Program [HEAP] under which individuals are allowed a deduction for contributions to HEAP accounts; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. CAMPBELL, Ms. ESHOO, Mr. RIGGS, Mr. FAZIO of California, Mr. CUNNINGHAM, Mr. LANTOS, and Ms. LOFGREN):

H.R. 54. A bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment under that act for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 55. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 56. A bill to authorize establishment of a Department of Veterans Affairs ambulatory care facility in Brookhaven, NY; to the Committee on Veterans' Affairs.

By Mr. FROST:

H.R. 57. A bill to amend the Federal Credit Union Act to clarify that residents of certain neighborhoods which are underserved by depository institutions may become members of any Federal credit union which establishes a branch in such neighborhood; to the Committee on Banking and Financial Services.

By Ms. FURSE (for herself, Mr. NETHERCUTT, Mr. DINGELL, Mr. BEREUTER, Mr. BOUCHER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. WYNN, Mr. SKEEN, Mr. SAWYER, Mr. RUSH, Ms. ESHOO, Mr. NEY, Mr. RAMSTAD, Mrs. KENNELLY of Connecticut, Mr. GREEN, Mr. BROWN of Ohio, Mr. PALLONE, Ms. PRYCE of Ohio, Mr. POMEROY, Mr. SERRANO, Mr. ENGEL, Mr. MARKEY, Mr. MANTON, Mr. WATTS of Oklahoma, Mr. STUPAK, Mr. STARK, Mr. TOWNS, Mr. GORDON, Mrs. MORELLA, Mr. KLINK, Mr. CONDIT, Mr. DEUTSCH, Mrs. MYRICK, Ms. SLAUGHTER, Mr. MCKEON, Mr. HALL of Ohio, Mr. HAMILTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mr. ACKERMAN, Mr. YATES, Mr. WOLF, Mr. ANDREWS, Mr. BALDACCI, Mr. PETRI, Mr. BLUMENAUER, Mr. BONIOR, Ms. PELOSI, Mr. SCHIFF, Mr. WATT of North Carolina, Mr. UNDERWOOD, Mr. CARDIN, Mr. CLAY, Ms. DELAURO, Mr. FAZIO of California, Mr. LAFALCE, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. SABO, Mr. MARTINEZ, Mr. MASCARA, Mr. GEPHARDT, Mr. GEJDENSON, Mr. WAMP, Mr. DEFAZIO, and Ms. HOOLEY of Oregon):

H.R. 58. A bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. DICKEY, Mr. HAYWORTH, Mr. LARGENT, Mr. DAVIS of Virginia, Mr. STUMP, Mr. MILLER of Florida, Mr. TAYLOR of North Carolina, Mr. BARRETT of Nebraska, Mr. LINDER, Mr. CUNNINGHAM, Mr. BURR of North Carolina, Mr. BLILEY, Mr. BARTON of Texas, Mr. SCARBOROUGH, Mr. HANSEN, Mr. CALVERT, Mrs. MYRICK, Mr. BONILLA, Mr. MCKEON, Mr. BALLENGER, Mr. ISTOOK, and Mr. GRAHAM):

H.R. 59. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce, and in addition to the Committee on Transportation

and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 60. A bill to authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ; to the Committee on Resources.

By Mr. HERGER:

H.R. 61. A bill to direct the Secretary of Agriculture to assure that the operations of the Forest Service are free of racial, sexual, and ethnic discrimination; to the Committee on Agriculture.

H.R. 62. A bill to provide relief to State and local governments from Federal regulation; to the Committee on Government Reform and Oversight.

H.R. 63. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, CA, as ''Trinity Lake''; to the Committee on Resources.

By Mr. HERGER (for himself and Ms. DUNN of Washington):

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment for the amount of the maximum benefit under the special estate tax valuation rules for certain farm, and so forth, real property; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 65. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on National Security.

By Mr. COBURN (for himself and Mr. BROWN of Ohio):

H.R. 66. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 67. A bill to amend the Internal Revenue Code of 1986 to allow a credit or refund of motor fuel excise taxes on fuel used by the motor of a highway vehicle to operate certain power takeoff equipment on such vehicle; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. BEREUTER, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONDIT, Mr. DEFAZIO, Mr. DELLUMS, Mr. EVANS, Mr. FROST, Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. STUPAK, Mr. OWENS, and Mr. SMITH of New Jersey):

H.R. 68. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 69. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent the amount of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina (for himself and Mr. SANFORD):

H.R. 70. A bill to amend the Federal Election Campaign Act of 1971 to prohibit multicandidate political committee contributions and expenditures in elections for Federal office; to the Committee on House Oversight.

By Mr. KNOLLENBERG:

H.R. 71. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage and overtime requirements individuals who volunteer their time in order to enhance their occupational opportunities; to the Committee on Education and the Workforce.

H.R. 72. A bill to amend title 17, United States Code, to allow the making of a copy of a computer program in connection with the maintenance or repair of a computer; to the Committee on the Judiciary.

H.R. 73. A bill to amend section 101 of title 11 of the United States Code to modify the definition of single asset real estate and to make technical corrections; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. MORAN of Virginia, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. CONYERS, Mr. TOWNS, MS. PELOSI, Mr. FLAKE, Mr. HALL of Ohio, Mr. OBERSTAR, Mr. FAZIO of California, Mr. KENNEDY of Massachusetts, Mr. GONZALEZ, and Mr. SHAYS):

A bill to protect the voting rights of homeless citizens; to the Committee on the Judiciary.

By Ms. MCCARTHY of Missouri (for herself, Mr. FAZIO of California, Mr. FROST, Mr. LUTHER, Ms. LOFGREN, Mr. MASCARA, Ms. RIVERS, Ms. KAPTUR, Mr. PALLONE, Mr. CUMMINGS, Mr. DOYLE, Mrs. KENNELLY of Connecticut, Mr. BLUMENAUER, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Mr. FATTAH, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, and Ms. JACKSON-LEE):

H.R. 75. A bill to establish the National Commission on the Long-term Solvency of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORGAN of Virginia (for himself, Mr. WATTS of Oklahoma, Mr. HEFNER, and Mr. DEAL of Georgia):

H.R. 76. A bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 77. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Oversight.

By Mr. REGULA:

H.R. 78. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS:

H.R. 79. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Resources.

By Mr. ROEMER:

H.R. 80. A bill to require the return of excess amounts from the representational allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

H.R. 81. A bill to designate the U.S. courthouse located at 401 South Michigan Street in South Bend, IN, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER (for himself and Ms. SLAUGHTER):

H.R. 82. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing tax benefits to individuals who save for, or pay for, higher education; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 83. A bill to enhance and protect retirement savings; referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 84. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Commerce.

H.R. 85. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. SMITH of Michigan (for himself, Mr. SMITH of Oregon, Mr. STENHOLM, Mr. SKEEN, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BOEHNER, Mr. EVANS, Mr. HOSTETTLER, Mr. NORWOOD, Mr. POMEROY, Ms. STABENOW, Mr. COMBEST, Mr. MCHUGH, Mr. WELLER, Mr. SOLOMON, Mr. POMBO, Mr. BOSWELL, Mr. CHAMBLISS, Mr. LATHAM, Mr. BLUNT, Mr. PETERSON of Minnesota, Mr. HILL, Mr. EWING, Mr. HASTERT, Mr. KINGSTON, Mr. HERGER, Mr. THUNE, Mr. FROST, Mr. MCINNIS, Mr. PARKER, Mr. NETHERCUTT, Mr. SENSENBRENNER, and Mr. CRAPO):

H.R. 86. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 87. A bill to oppose the provision of assistance to the People's Republic of China by any international financial institution; to the Committee on Banking and Financial Services.

H.R. 88. A bill to suspend Federal education benefits to individuals convicted of drug offenses; to the Committee on Education and the Workforce.

H.R. 89. A bill to require pre-employment drug testing with respect to applicants for Federal employment; to the Committee on Government Reform and Oversight.

H.R. 90. A bill to require random drug testing within the executive branch of the Government; to the Committee on Government Reform and Oversight.

H.R. 91. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce funding if States do not enact legislation that requires the death penalty in certain cases; to the Committee on the Judiciary.

H.R. 92. A bill to require random drug testing of Federal judicial branch officers and employees; to the Committee on the Judiciary.

H.R. 93. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. BATEMAN:

H.R. 94. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from overtime compensation for firefighters and rescue squad members who volunteer their services; to the Committee on Education and the Workforce.

By Mr. SOLOMON:

H.R. 95. A bill to ensure that Federal agencies establish the appropriate procedures for assessing whether or not Federal regulations might result in the taking of private property, and to direct the Secretary of Agriculture to report to the Congress with respect to such takings under programs of the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 96. A bill to provide regulatory assistance for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 97. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress after leaving office from representing foreign governments before the U.S. Government; to the Committee on the Judiciary.

By Mr. VENTO:

H.R. 98. A bill to regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services; to the Committee on Commerce.

By Mr. WHITE (for himself and Mr. HORN):

H.R. 99. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. BONIOR, Mr. CLAY, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Ms. CHRISTIAN-GREEN, Mr. HINCHEY, Mr. HOLDEN, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. TORRES, Mr. TOWNS, and Mr. YATES):

H.R. 100. A bill to establish the Commonwealth of Guam, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 101. A bill to amend the National Forest Foundation Act to extend and increase the matching funds authorization for the foundation, to provide additional administrative support to the foundation, to authorize the use of investment income, and to permit the foundation to license the use of trademarks, tradenames, and other such devices to advertise that a person is an official sponsor or supporter of the Forest Service or the National Forest System; to the Committee on Agriculture.

By Mr. BARR of Georgia:

H.R. 102. A bill to require the national instant criminal background check system to be established and used in connection with firearms transfers by November 28, 1997; to the Committee on the Judiciary.

By Mr. BARR of Georgia (for himself and Mr. MARTINEZ):

H.R. 103. A bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction for the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. SKEEN, Mr. CRANE, and Mr. HALL of Texas):

H.R. 104. A bill to authorize the private ownership and use of National Park System lands; to the Committee on Resources.

By Mr. BASS:

H.R. 105. A bill to establish a locally oriented commission to assist the city of Berlin, NH, in identifying and studying its region's historical and cultural assets, and for other purposes; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 106. A bill to amend the Social Security Act to establish the teaching hospital and graduate medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 107. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 108. A bill to amend title 23, United States Code, concerning eligibility for grants to implement alcohol-impaired driving countermeasures; to the Committee on Transportation and Infrastructure.

By Mr. CLAY:

H.R. 109. A bill to amend the Family and Medical Leave Act of 1993, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEMENT:

H.R. 110. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money in elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. CONDIT:

H.R. 111. A bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture.

H.R. 112. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, CA; to the Committee on Science.

By Mr. CONDIT (for himself and Ms. GRANGER):

H.R. 113. A bill to amend chapter 11 of title 31, United States Code, to require that each President's budget submission to Congress include a detailed plan to achieve a balanced Federal budget, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 114. A bill to require the President to submit to the Congress each year an integrated justification for U.S. foreign assistance programs, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 115. A bill to prohibit the transfer of a firearm to, and the possession of a firearm by, a person who is intoxicated; to the Committee on the Judiciary.

H.R. 116. A bill to apply equal standards to certain foreign made and domestically produced handguns; to the Committee on the Judiciary.

H.R. 117. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

H.R. 118. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

H.R. 119. A bill to amend the Nationality Act to impose additional conditions on employers of H–1B nonimmigrants; to the Committee on the Judiciary.

H.R. 120. A bill to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself and Mr. NORWOOD):

H.R. 121. A bill to repeal the statutory authority for the Corporation for Public Broadcasting; to the Committee on Commerce.

By Mr. CRANE (for himself, Mr. SAM JOHNSON, and Mr. NORWOOD):

H.R. 122. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and the Workforce.

By Mr. CUNNINGHAM (for himself, Mrs. EMERSON, Mr. ARMEY, Mr. DELAY, Mr. LINDER, Mr. GOODLING, Mr. RIGGS, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. SAM JOHNSON, Mr. TALENT, Mr. KNOLLENBERG, Mr. SOUDER, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. ARCHER, Mr. YOUNG of Alaska, Mr. STUMP, Mr. BEREUTER, Mr. SOLOMON, Mr. THOMAS, Mr. PORTER, Mr. BLILEY, Mr. HUNTER, Mr. MCCOLLUM, Mr. WOLF, Mr. BURTON of Indiana, Mr. GEKAS, Mr. KASICH, Mr. SISISKY, Mr. SAXTON, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. GALLEGLY, Mr. HASTERT, Mr. HERGER, Mr. PICKETT, Mr. SHAYS, Mr. CLEMENT, Mr. DUNCAN, Mr. ROHRABACHER, Mr. TANNER,

Mr. DOOLITTLE, Mr. RAMSTAD, Mr. CRAMER, Mr. EWING, Mr. BACHUS, Mr. CALVERT, Mr. COLLINS, Mr. DEAL of Georgia, Ms. DUNN of Washington, Mr. GOODLATTE, Mr. HORN, Mr. KING of New York, Mr. MILLER of Florida, Mr. ROYCE, Mr. LEWIS of Kentucky, Mr. BARR of Georgia, Mr. BILBRAY, Mr. BRYANT, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBURN, Mr. GANSKE, Mr. HAYWORTH, Mr. NETHERCUTT, Mr. NEY, Mr. SALMON, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. HULSHOF):

H.R. 123. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and the Workforce.

By Mr. CRANE:

H.R. 124. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Ways and Means.

H.R. 125. A bill to make clear that the definition of a base period, under the unemployment compensation law of a State, is not an administrative provision subject to section 303(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Ms. HARMAN, Mr. WATTS of Oklahoma, Mr. SCHUMER, Mr. ROYCE, Mr. GOSS, Mr. SOLOMON, Mr. NORWOOD, Mr. HAYWORTH, Mr. COBURN, Mrs. MORELLA, Mr. TALENT, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. FROST, Mr. INGLIS of South Carolina, Ms. MOLINARI, Ms. DUNN of Washington, Mr. GREENWOOD, Mr. BURR of North Carolina, Mr. BLUNT, Mr. MCKEON, Mr. SHAYS, Mrs. MYRICK, Mr. ENSIGN, Mr. FOLEY, Mr. GOODLATTE, Mr. DEAL of Georgia, Mr. PAPPAS, Mr. POSHARD, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. STENHOLM, Mr. WHITE, and Mr. FOX of Pennsylvania):

H.R. 126. a bill to establish procedures to provide for a deficit reduction lock-box and related downward adjustment of discretionary spending limits; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. SHAW, Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. MATSUI, Mr. CRANE, Mr. COYNE, Mr. HOUGHTON, Mrs. KENNELLY of Connecticut, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. PETRI, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. WAXMAN, Mr. HOLDEN, Mr. MCHALE, Mr. POMEROY, Ms. NORTON, and Mr. JACKSON):

H.R. 127. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exclusion for employer-provided educational assistance and to restore the exclusion for graduate level educational assistance; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Mr. HANSEN, Mr. SMITH of Oregon, Mrs. CHENOWETH, and Mr. SKEEN):

H.R. 128. A bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 129. A bill to provide for the retention of the name of the geologic formation known as Devils Tower at the Devils Tower National Monument in the State of Wyoming; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. HUNTER, and Mr. BILBRAY):

H.R. 130. A bill to amend the Clean Air Act to provide for the reclassification of downwind nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself, and Mr. BARTLETT of Maryland):

H.R. 132. A bill to establish a second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

By Mr. CUNNINGHAM (for himself, Mr. GALLEGLY, Mr. RIGGS, Mr. MCKEON, Mr. BONO, Mr. BILBRAY, and Ms. HARMAN):

H.R. 133. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. ROYCE, Ms. PRYCE of Ohio, Mr. MCKEON, Mr. RIGGS, and Mr. ENGLISH of Pennsylvania):

H.R. 131. A bill to provide that a new Federal program shall terminate not later than 5 years after the date of the enactment of the law that authorizes the program; to the Committee on Government Reform and Oversight.

By Mr. CUNNINGHAM:

H.R. 134. A bill to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. DINGELL, Mrs. ROUKEMA, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. DEFAZIO, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FOGLIETTA, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. LAFALCE, Mrs. LOWEY, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. QUINN, Mr. RAHALL, Ms. RIVERS, Mr. SANDERS, Ms. SLAUGHTER, Mr. TOWNS, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Mr. KENNEDY of Massachusetts, and Mr. MATSUI):

H.R. 135. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEUTSCH (for himself and Mr. GOSS):

H.R. 136. A bill to amend the National Parks and Recreation Act of 1978 to designate the Majority Stoneman Douglas Wilderness and to amend the Everglades National park protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center; to the Committee on Resources.

By Mr. DICKEY:

H.R. 137. A bill to prohibit the Secretary of Health and Human Services from finding that a State Medicaid plan is not in compliance with title XIX of the Social Security Act solely on the grounds that the plan does not cover abortions for pregnancies resulting from an act of rape or incest if coverage for such abortions is inconsistent with State law; to the Committee on Commerce.

H.R. 138. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by nonparty multicandidate political committees; to the Committee on House Oversight.

By Mr. DICKEY (for himself, Mr. SHAYS, Mr. DUNCAN, Mr. TAYLOR of North Carolina, Mr. NORWOOD, and Mr. INGLIS of South Carolina):

H.R. 139. A bill to reform the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 140. A bill to amend the Federal Election Campaign Act of 1971 to promote the disclosure of contributions and expenditures made with respect to campaigns for election for Federal office, to ban the use of soft money with respect to such campaigns, and for other purposes; to the Committee on House Oversight.

H.R. 141. A bill to establish the Select Commission to Advise on Reforming Elections to issue recommendations for the reform of laws governing the financing of campaigns for election for Federal office, to establish expedited procedures for the consideration of legislation implementing the recommendations, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington:

H.R. 142. A bill to require the President to submit a separately identified appropriation request to provide priority funding for the national parks of the United States, and for other purposes; to the Committee on the Budget.

By Ms. DUNN of Washington (for herself, Mr. MATSUI, Mr. HERGER, Mr. JEFFERSON, Mr. CRANE, Mr. NEAL of Massachusetts, Mr. MCCRERY, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, and Mr. WELLER):

H.R. 143. A bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 144. A bill to amend the Internal Revenue Code of 1986 to make health insurance costs fully deductible for the self-employed; to the Committee on Ways and Means.

By Mr. BORSKI (for himself, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, Ms. BROWN of Florida, Mr. EVANS, Mr. TRAFICANT, Mr. QUINN, Mr. CLEMENT, Mr. DIAZ-BALART, Mr. MASCARA, Mr. COSTELLO, Mr. HALL of Ohio, Mr. HOLDEN, Mr. FROST, Mr. LANTOS, Mr. COYNE, Mr. JACKSON, Mr. DEFAZIO, Mr. SPRATT, Mr. NEY, Ms. KAPTUR, and Mr. NADLER):

H.R. 145. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON (for herself and Mr. GOSS):

H.R. 146. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and related beneficiaries, and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 147. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an ethnic and minority affairs section; to the Committee on Commerce.

H.R. 148. A bill to amend title XIX of the Social Security Act to assure that Medicaid disproportionate share hospital payments go directly to Medicaid disproportionate share hospitals; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. ACKERMAN, Mr. MANTON, Mr. SERRANO, Mrs. LOWEY, Mr. RANGEL, and Mr. FLAKE):

H.R. 149. A bill to amend the Elementary and Secondary Education Act of 1965 to allow certain counties flexibility in spending funds; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. MANTON, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. SHAYS, Mrs. LOWEY, Mr. MENENDEZ, Mr. LAZIO of New York, Mr. DOYLE, Mr. ACKERMAN, Mr. OLVER, Mrs. KELLY, and Mr. NADLER):

H.R. 150. A bill to amend the Anglo-Irish Agreement Support Act of 1986 to require that disbursements from the International Fund for Ireland are distributed in accordance with the MacBride principles of economic justice, and for other purposes; to the Committee on International Relations.

By Mr. ENGEL:

H.R. 151. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on International Relations.

By Mr. ENGEL (for himself and Mr. GILMAN):

H.R. 152. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H.R. 153. A bill to amend title 49, United States Code, to exempt noise and access restrictions on aircraft operations to and from metropolitan airports from certain Federal review and approval requirements, and for other purposes, to the Committee on Transportation and Infrastructure.

H.R. 154. A bill to amend the Internal Revenue Code of 1986 to require governmental deferred compensation plans to maintain set asides for the exclusive benefits of participants; to the Committee on Ways and Means.

H.R. 155. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the U.S. textbook and technology trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. English of Pennsylvania:

H.R. 156. A bill to amend title 31, United States Code, to provide that recently enacted provisions requiring payment of Federal benefits in the form of electronic funds transfers do not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform and Oversight.

H.R. 157. A bill to authorize and request the President to award the Congressional Medar of Honor posthumously to Brevet Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on National Security.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. COX of California, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. MCINTOSH, and Mr. KNOLLENBERG):

H.R. 158. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. NEAL of Massachusetts, and Mr. MCHUGH):

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 160. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the retail tax on heavy trucks and trailers; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. FRANK of Massachusetts, and Mr. MCDERMOTT)::

H.R. 161. A bill to amend the Internal Revenue Code of 1986 to terminate the tax subsidies for large producers of ethanol used as a fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 162. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax; to the Committee on Ways and Means.

H.R. 163. A bill to amend the Internal Revenue Code of 1986 to place the burden of proof on the Secretary to prove that the cash method of accounting does not clearly reflect income; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Ms. DELAURO,: Mr. MCGOVERN, Mr. TOWNS, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. FROST):

H.R. 164. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 165. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the survivor benefit plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on National Security.

H.R. 166. A bill to amend title 38, United States Code, to clarify the conditions under which an action may be brought against a State to enforce veterans' reemployment rights, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 167. A bill to amend title 38, United States Code, to provide for a Veterans' Employment and Training Bill of Rights, to strengthen preference for veterans in hiring, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 168. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. CAMPBELL, Mrs. EMERSON, Mr. LOBIONDO, Mr. MCHALE, Mr. NORWOOD, Mr. GRAHAM, and Mr. ROYCE):

H.R. 169. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 170. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 171. A bill to amend section 214 of the Housing and Community Development Act of 1980 to make technical corrections; to the Committee on Banking and Financial Services.

H.R. 172. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers; to the Committee on Government Reform and Oversight.

By Mr. GALLEGLY (for himself and Mr. SHAYS):

H.R. 173. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus Federal law enforcement canines to their handlers; to the Committee on Government Reform and Oversight.

By Mr. GALLEGLY:

H.R. 174. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, CA; to the Committee on Science.

H.R. 175. A bill to prohibit Federal funding for earthquake-related repairs or restoration of Bottle Village in Simi Valley, CA; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H.R. 176. A bill to provide for hearing care services by audiologists to Federal civilian employees; to the Committee on Government Reform and Oversight.

H.R. 177. A bill to direct the Secretary of Health and Human Services to establish a schedule of preventive health care services and to provide for coverage of such services in accordance with such schedule under private health insurance plans and health benefit programs of the Federal Government, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform and Oversight, Veterans' Affairs, and

National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. MANTON):

H.R. 178. A bill to provide for adherence with the MacBride principles of economic justice by United States persons doing business in Northern Ireland, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 179. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election to Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 180. A bill imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida, and for other purposes; to the Committee on Resources.

By Mr. GOSS:

H.R. 181. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of elections for members of the House of Representatives, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 182. A bill to provide for a livable wage for employees under Federal contracts and subcontracts; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 183. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Commerce.

H.R. 184. A bill to amend title XIX of the Social Security Act to require State Medicaid Programs to provide coverage of screening mammography and screening pap smears; to the Committee on Commerce.

H.R. 185. A bill to establish a commission to study employment and economic insecurity in the workforce in the United States; to the Committee on Education and the Workforce.

H.R. 186. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 187. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Representatives are elected; to the Committee on the Judiciary.

H.R. 188. A bill to establish Federal, State, and local programs for the investigation, reporting, and prevention of bias crimes; to the Committee on the Judiciary.

H.R. 189. A bill to establish a commission to investigate exposure to chemical and biological warfare agents as a result of the Persian Gulf conflict; to the Committee on National Security.

By Mr. HASTINGS of Florida (for himself and Mrs. MEEK of Florida):

H.R. 190. A bill to amend the Act entitled ''An Act to provide for the establishment of the Everglades National Park in the State of Florida and for other purposes,'' approved May 30, 1934, to clarify certain rights of the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mr. HASTINGS of Florida:

H.R. 191. A bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the U.S. work force and to allow employees to take parental involvement leave to participate in or attend their children's educational and extracurricular activities, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. WATTS of Oklahoma, Mr. NORWOOD, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. ENSIGN, Mr. BONILLA, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. RAMSTAD, Mr. CONDIT, Mr. GOODLATTE, Mr. LEWIS of Kentucky, Mr. BALLENGER, Mr. BEREUTER, Mr. CUNNINGHAM, Mr. CLEMENT, and Mr. HERGER):

H.R. 192. A bill to establish a demonstration project to evaluate the cost effectiveness of using the Medicare trust funds to reimburse the Department of Defense for certain health care services provided to Medicare-eligible covered military beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 193. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places and to prohibit the designation of the Mt. Shasta area in the State of California as a historic district, historic sites, or national monument under the National Historic Preservation Act or the Antiquities Act; to the Committee on Resources.

By Mr. HOUGHTON (for himself and Mrs. KENNELLY of Connecticut):

H.R. 194. A bill to enhance the financial security of children by providing for contributions by the Federal Government to child retirement accounts; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. CARDIN):

H.R. 195. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. MATSUI):

H.R. 196. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Ways and Means.

H.R. 197. A bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, Mr. PACKARD, Mr. COX of California, Mr. RIGGS, Mr. BARTLETT of Maryland, Mr. YOUNG of Alaska, Mr. MCCRERY, Mr. ROHRABACHER, Mr. MCKEON, Mr. CALVERT, Mr. LIVINGSTON, Mr. COBLE, and Mr. COMBEST):

H.R. 198. A bill to limit the types of commercial nonpostal services which may be offered by the U.S. Postal Service; to the Committee on Government Reform and Oversight.

By Mr. JONES:

H.R. 199. A bill to provide for greater accountability for Presidential appointees; to the Committee on Government Reform and Oversight.

By Mrs. KELLY:

H.R. 200. A bill to amend the Internal Revenue Code of 1986 to provide that gain on the sale of a principal residence shall be excluded from gross income without regard to the age of the taxpayer or the amount of the gain; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut:

H.R. 201. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the economic recovery of areas affected by the loss of employment in the financial institution and real estate sectors; to the Committee on Ways and Means.

H.R. 202. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Ways and Means.

By Mr. KIM (for himself, Mr. ABERCROMBIE, and Mr. UNDERWOOD):

H.R. 203. A bill to designate the Republic of Korea as a visa waiver pilot program country for 1 year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KIM (for himself and Mr. BILBRAY):

H.R. 204. A bill to provide financial assistance to Mexican border States for transportation projects that are necessary to accommodate increased traffic resulting from the implementation of the North American Free-Trade Agreement; to the Committee on Transportation and Infrastructure.

By Mr. KIM:

H.R. 205. A bill to provide that receipts and disbursements of the highway trust fund, the airport and airways trust fund, the inland waterways trust fund, and the harbor maintenance trust fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; to the Committee on the Budget, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 206. A bill to award a congressional gold medal to the late James Cagney; to the Committee on Banking and Financial Services.

H.R. 207. A bill to authorize the Secretary of Housing and Urban Development to make organizations controlled by individuals who promote prejudice or bias based on race, religion, or ethnicity ineligible for assistance under programs administered by the Secretary, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 208. A bill to amend title 18, United States Code to protect the sanctity of religious communications; to the Committee on the Judiciary.

H.R. 209. A bill to amend the Internal Revenue Code of 1986 to establish and provide a

checkoff for a breast and prostate cancer research fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA (for himself and Mr. SENSENBRENNER):

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. STARK, Mr. BARRETT of Wisconsin, Ms. MCKINNEY, Mr. WAXMAN, Mr. HILLIARD, Mr. KILDEE, Mr. SANDERS, Mr. MARTINEZ, Mr. EVANS, Mr. MANTON, Mr. LAFALCE, Mr. PALLONE, Ms. NORTON, Ms. SLAUGHTER, Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. COYNE, Mr. CLAY, Ms. DELAURO, and Mr. RANGEL):

H.R. 211. A bill to amend the Internal Revenue Code of 1986 to assure continued health insurance coverage of retired workers; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINK (for himself and Mr. DOYLE):

H.R. 212. A bill to amend the Department of Housing and Urban Development Act to provide for the Secretary of Housing and Urban Development to notify and consult with the unit of general local government within which an assisted multifamily housing project is to be located before providing any low-income housing assistance for the project; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, Mr. WATT of North Carolina, Mr. ACKERMAN, Mr. ENGEL, Mr. FROST, and Mr. STUPAK):

H.R. 213. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to an individual training account; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 214. A bill to amend the Social Security Act to reinstate requirements regarding Department of Housing and Urban Development access to certain information of State agencies, and to amend the Internal Revenue Code of 1986 to allow the Secretary of Housing and Urban Development to reveal certain income tax return information to public housing agencies, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned..

By Mr. LANTOS (for himself, Mr. CAMPBELL, Ms. ESHOO, and Ms. PELOSI):

H.R. 215. A bill relating to the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, for carrying out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, CA; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Mr. GREEN, and Mr. LOBIONDO):

H.R. 216. A bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain Medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York:

H.R. 217. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the committee on Banking and Financial Services.

By Mr. CUNNINGHAM (for himself, Ms. MOLINARI, Mr. PACKARD, Mr. HUNTER, Mr. BILBRAY, Mrs. MYRICK, Mr. COBLE, Mr. FROST, Mr. COBURN, Mr. BRYANT, Mr. COLLINS, and Mr. HALL of Texas):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. LAZIO of New York (for himself, Mr. FAZIO of California, and Mr. MCCOLLUM):

H.R. 219. A bill to establish a Federal program to provide reinsurance for State disaster insurance programs; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM:

H.R. 220. A bill to amend the Federal Deposit Insurance Act to clarify the due process protections applicable to directors and officers of insured depository institutions and other institution-affiliated parties, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 221. A bill to amend the Community Reinvestment Act of 1977 to reduce onerous recordkeeping and reporting requirements for regulated financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 222. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time begins on the first Sunday in March; to the Committee on Commerce.

H.R. 223. A bill to amend the Federal Election Campaign Act of 1971 to establish the Presidential Debate Commission on an ongoing basis and to amend the Internal Revenue Code of 1986 to reduce the amount of funds provided under such act for party nominating conventions for any party whose nominee for President or Vice President does not participate in any debate scheduled by the Commission, and for other purposes; to the Committee on House Oversight.

H.R. 224. A bill to amend the National Voter Registration Act of 1993 to require each individual registering to vote in elections for Federal office to provide the individual's Social Security number and to permit a State to remove a registrant who fails to vote in two consecutive general elections for Federal office from the official list of eligible voters in election for Federal office on the ground that the registrant has changed residence, if the registrant fails to respond to written notices requesting confirmation of the registrant's residence; to the Committee on House Oversight.

H.R. 225. A bill to amend the Immigration and Nationality Act to permit certain aliens who are at least 55 years old of age to obtain a 4-year nonimmigrant visitor's visa; to the Committee on the Judiciary.

H.R. 226. A bill to deem the Florida Panther to be an endangered species under the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. MCCOLLUM (for himself and Mr. MICA):

H.R. 227. A bill to direct the Secretary of the Army to conduct a study of mitigation banks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCOLLUM:

H.R. 228. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from IRA's for certain purposes, to increase the amount of tax deductible IRA contributions, and for other purposes; to the Committee on Ways and Means.

H.R. 229. A bill to amend the Community Reinvestment Act of 1977, the Equal Credit Opportunity Act, and the Fair Housing Act to improve the administration of such acts, to prohibit redlining in connection with the provision of credit, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. SHAW, Mr. LAZIO of New York, Mrs. EMERSON, Mr. BILIRAKIS, Mr. CANADY of Florida, Mr. DIAZ-BALART, Mr. DEUTSCH, Mrs. FOWLER, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. MICA, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, and Mr. STEARNS):

H.R. 230. A bill to ensure that insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, is available and affordable, and to provide for expanded hazard mitigation and relief, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. STENHOLM, Mr. HORN, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. HUNTER, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BRYANT, Mr. CAMPBELL, Mr. CUNNINGHAM, Mr. DEFAZIO, Ms. JACKSON-LEE, Mr. KIM, Mr. LAFALCE, Mr. LATOURETTE, Mr. PACKARD, Mr. ROHRABACHER, Mr. SHAYS, Mr. STARK, Mr. TRAFICANT, and Mr. WAXMAN):

H.R. 231. A bill to improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDADE:

H.R. 232. A bill to amend title 28, United States Code, to require prosecutors in the Department of Justice to be ethical; to the Committee on the Judiciary.

By Mr. MCINTOSH:

H.R. 233. A bill to amend the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Ms. NORTON, Mrs. LOWEY, Mr. RUSH, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Ms. LOFGREN, Ms. PELOSI, and Mr. ACKERMAN):

H.R. 234. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. HORN):

H.R. 235. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain individuals; to the Committee on Government Reform and Oversight, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 236. A bill to prohibit Government contractors from being reimbursed by the Federal Government for certain environmental response costs; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN:

H.R. 237. A bill to amend title II of the Social Security Act to provide that an individual who has been denied benefits by reason of confinement to a public institution by reason of conviction for a sex offense shall continue to be denied benefits, upon completion of such confinement, while continuing to be confined thereafter by court order in a public institution; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 238. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 239. A bill to amend the Internal Revenue Code of 1986 to impose penalties on self-dealing between certain tax-exempt organizations and disqualified persons, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. SOLOMON, Mr. STUMP, and Mr. EVERETT):

H.R. 240. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 241. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for capital gains for middle-income taxpayers; to the Committee on Ways and Means.

H.R. 242. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty under the one-time exclusion of gain on the sale of a principal residence by an individual who has attained age 55; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 243. A bill to amend the Federal Election Campaign Act of 1971 to provide for expenditure limitations and public financing for House of Representatives general elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 224. A bill to terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. PAPPAS:

H.R. 245. A bill to amend the Internal Revenue Code of 1986 to phase out the tax of capital gains, to increase the unified credit under the estate and gift taxes, and to increase the maximum benefit under section 2032A to $1 million; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 246. A bill to restore the authority of the Secretary of Agriculture to extend existing and expiring contracts under the Conservation Reserve Program; to the Committee on Agriculture.

H.R. 247. A bill to allow for a 1-year extension on Conservation Reserve Program contracts expiring in 1997; to the Committee on Agriculture.

By Mr. PITTS:

H.R. 248. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting polls by telephone during campaigns for election for Federal office; to the Committee on House Oversight.

H.R. 249. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. RAMSTAD, Mr. DAVIS of Virginia, Mr. DOYLE, Mr. FILNER, Mr. WATTS of Oklahoma, Mr. CONYERS, Mr. DEAL of Georgia, and Mr. KENNEDY of Massachusetts):

H.R. 250. A bill to amend title 38, United States Code, to provide authority for the Secretary of Veterans Affairs to extend priority health care to veterans who served during the Persian Gulf war in Israel or Turkey; to the Committee on Veterans' Affairs.

By Mr. QUINN (for himself, Mr. MCHUGH, Mr. KING of New York, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. FOX of Pennsylvania, and Mr. GOSS):

H.R. 251. A bill to establish an Office of Inspector General for the Medicare and Medicaid Programs; to the Committee on Government Reform and Oversight, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 252. A bill to amend the Black Lung Benefits Act to provide for more just procedures for certain claims due to pneumoconiosis; to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself and Mr. MILLER of California):

H.R. 253. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. RAHALL:

H.R. 254. A bill to further enhance flood control efforts along the Greenbrier River Basin in the State of West Virginia; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself and Mr. PETRI):

H.R. 255. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of highway motor fuel excise tax revenues into the highway trust fund; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 256. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. RICHARDSON:

H.R. 257. A bill to amend the Housing and Community Development Act of 1974 to allow small communities to use limited space in public facilities acquired, constructed, or rehabilitated using community development block grant funds for local government offices; to the Committee on Banking and Financial Services.

H.R. 258. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

H.R. 259. A bill to amend the Public Health Service Act to provide for the prevention of fetal alcohol syndrome, and for other purposes; to the Committee on Commerce.

H.R. 260. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

H.R. 261. A bill to amend part E of title IV of the Social Security Act to provide for Federal funding of foster care and adoption assistance programs of Indian tribes; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 262. A bill to amend the act to establish a Redwood National Park in the State of California, to increase efficiency and cost savings in the management of Redwood National Park by authorizing the Secretary of the Interior to enter into agreements with the State of California to acquire from and provide to the State goods and services to be used by the National Park Service and the State of California in the cooperative management of lands in Redwood National Park and lands in Del Norte Coast Redwoods State Park, Jebediah Smith Redwoods State Park, and Prairie Creek Redwoods State Park, and for other purposes; to the Committee on Resources.

By Mrs. ROUKEMA:

H.R. 263. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA (for herself and Mr. SCHUMER):

H.R. 264. A bill to amend the Electronic Fund Transfer Act to require notice of certain fees imposed by the operator of an automated teller machine in connection with an electronic fund transfer initiated by a

consumer at the machine, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA:

H.R. 265. A bill to amend the United States Housing Act of 1937 to increase public housing opportunities for intact families; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA:

H.R. 266. A bill to evaluate the effectiveness of certain community efforts in coordination with local police departments in preventing and removing violent crime and drug trafficking from the community, in increasing economic development in the community, and in preventing or ending retaliation by perpetrators of crime against community residents, and for other purposes; to the Committee on the Judiciary.

H.R. 267. A bill to require States to impose criminal penalties on persons who willfully fail to pay child support, as a condition of Federal funding of State child support enforcement programs; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. VENTO):

H.R. 268. A bill to enhance competition in the financial services sector and merge the commercial bank and savings association charters; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 269. A bill to provide for a role models academy demonstration program; to the Committee on Education and the Workforce.

H.R. 270. A bill to amend part B of title IV of the Social Security Act to provide for a set-aside of funds for States that have entered certain divorce laws, to amend the Legal Services Corporation Act to prohibit the use of funds made available under the act to provide legal assistance in certain proceedings relating to divorces and legal separations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 271. A bill to establish a second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

H.R. 272. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on Rules.

By Mr. SCHUMER:

H.R. 273. A bill to amend the Food Stamp Act of 1977 to require States to use electronic benefit transfer systems, and for other purposes; to the Committee on Agriculture.

H.R. 274. A bill to amend the Truth in Lending Act to require a credit card issuer to disclose, in any preapproved application, solicitation, or offer to open a credit card account under an open end consumer credit plan, each rate of interest that will actually apply to any credit extended under such plan, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 275. A bill to combat domestic terrorism; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 276. A bill to amend the Internal Revenue Code of 1986 to allow a $100,000 lifetime deduction for net capital gain; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. PALLONE, and Mr. MILLER of California):

H.R. 277. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, Agriculture, Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 278. A bill to make changes in Federal juvenile justice proceedings, and to foster youth development and prevent juvenile crime and delinquency; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. BONO, Mr. CLAY, Ms. DELAURO, Mr. DELLUMS, Mr. ENSIGN, Mr. FROST, Mr. GREEN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON, Mr. LEWIS of California, Mr. MCGOVERN, Mr. MILLER of California, and Mr. PASTOR):

H.R. 279. A bill to award a congressional gold medal to Francis Albert Sinatra; to the Committee on Banking and Financial Services.

By Mr. SERRANO:

H.R. 280. A bill to require the Federal Communications Commission to implement the recommendations of the joint board concerning universal service support for schools and libraries; to the Committee on Commerce.

H.R. 281. A bill to amend the Higher Education Act of 1965 to apply to Hispanic-serving institutions of higher education the same student loan default rate limitations applicable to historically black colleges and universities; to the Committee on Education and the Workforce.

By Mr. SERRANO (for himself and Mr. RANGEL):

H.R. 282. A bill to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY, as the ''Oscar Garcia Rivera Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. SERRANO:

H.R. 283. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Oversight.

H.R. 284. A bill to repeal the Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996; to the Committee on International Relations.

H.R. 285. A bill to reinstate the authorization of cash remittances to family members in Cuba under the Cuban assets control regulations; to the Committee on International Relations.

H.R. 286. A bill to protect the constitutional right to travel to foreign countries; to the Committee on International Relations.

H.R. 287. A bill to allow for news bureau exchanges between the United States and Cuba; to the Committee on International Relations.

H.R. 288. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned..

H.R. 289. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 290. A bill to provide demonstration grants to establish clearing houses for the distribution to community-based organizations of information on prevention of youth violence and crime; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 291. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mrs. CHENOWETH, Mr. WHITE, Mr. NORWOOD, and Mr. GRAHAM):

H.R. 292. A bill to require Congress to specify the source of authority under the U.S. Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 293. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

H.R. 294. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

H.R. 295. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

H.R. 296. A bill to privatize the Federal Power Marketing Administrations, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. LIPINSKI, and Mr. GEJDENSON):

H.R. 297. A bill to amend the Public Health Service Act to provide for programs of research on prostate cancer; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. MARTINEZ, and Mr. LIPINSKI):

H.R. 298. A bill to require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish

a President's Advisory Council on Recreational Camps, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself, Mr. DELLUMS, Mr. FARR of California, Mr. HOUGHTON, Mrs. LOWEY, Ms. MCKINNEY, Mrs. MORELLA, Mr. OLVER, and Mr. RANGEL):

H.R. 299. A bill to authorize appropriations for the payment of U.S. arrearages in assessed contributions to the United Nations for prior years and to authorize appropriations for the payment of assessed contributions of the United States for U.N. peacekeeping operations; to the Committee on International Relations.

By Mr. SHAYS:

H.R. 300. A bill to amend title 49, United States Code, to permit a State located within 5 miles of an airport in another State to participate in the process for approval of airport development projects at the airport; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS (for himself and Mr. GEJDENSON):

H.R. 301. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program and to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS (for himself and Ms. DEGETTE):

H.R. 302. A bill entitled ''Rocky Mountain National Park Wilderness Act of 1997''; to the Committee on Resources.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 303. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 304. A bill to amend the Public Health Service Act with respect to employment opportunities in the Department of Health and Human Services for women who are scientist, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER (for herself, Mr. ACKERMAN, Mr. FAZIO of California, Mr. FROST, Mr. GREEN, Mr. HINCHEY, Mr. HOLDEN, Ms. NORTON, Ms. JACKSON-LEE, Mrs. LOWEY, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MALONEY of Connecticut, Mr. MANTON, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. OWENS, Ms. PELOSI, Mr. PORTER, and Mr. SCHUMER):

H.R. 305. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CLAYTON, Ms. DANNER, Mr. DEFAZIO, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GREEN, Mr. HILLIARD, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MORELLA, Mr. NADLER, Mr. PAYNE, Ms. PELOSI, Ms. RIVERS, Mr. SANDERS, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. STARK, Mrs. THURMAN, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, Ms. DELAURO, Mr. MATSUI, Mr. WATT of North Carolina, and Ms. ROYBAL-ALLARD):

H.R. 306. A bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 307. A bill to amend the vaccine injury compensation portion of the Public Health Service Act to permit a petition for compensation to be submitted within 48 months of the first symptoms of injury; to the Committee on Commerce.

H.R. 308. A bill to amend chapter 15 of title 5, United States Code, to eliminate the provision prohibiting certain State and local employees from seeking elective office; to the Committee on Government Reform and Oversight.

H.R. 309. A bill to prohibit federally sponsored research pertaining to the legalization of drugs; to the Committee on Government Reform and Oversight.

H.R. 310. A bill to require random drug testing of Federal legislative branch Members, officers, and employees; to the Committee on House Oversight.

H.R. 311. A bill to amend the Taiwan Relations Act; to the Committee on International Relations.

By Mr. SOLOMON (for himself and Mr. SAM JOHNSON of Texas):

H.R. 312. A bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on U.S. persons or continues to develop or promote proposals for such taxes or fees; to the Committee on International Relations.

H.R. 313. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 314. A bill to amend title 18, United States Code, to modify the death penalty for drug kingpins; to the Committee on the Judiciary.

H.R. 315. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents, and for other purposes; to the Committee on Ways and Means.

H.R. 316. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous wastes; to the Committee on Ways and Means.

H.R. 317. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal resident by a first-time homebuyer; to the Committee on Ways and Means.

H.R. 318. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

H.R. 319. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

H.R. 320. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; to the Committee on Ways and Means.

H.R. 321. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible to the extent not in excess of $3,000; to the Committee on Ways and Means.

H.R. 322. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

H.R. 323. A bill to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

H.R. 324. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to an exemption equivalent of $1,200,000, and to provide a cost-of-living adjustment for such amount; to the Committee on Ways and Means.

H.R. 325. A bill to amend the Internal Revenue Code of 1986 to provide that the unrelated business income tax shall apply to the gaming activities of Indian tribes; to the Committee on Ways and Means.

H.R. 326. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 327. A bill to prohibit retroactive Federal income tax rate increases; to the Committee on Ways and Means.

H.R. 328. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to prohibit health issuers and group health plans from discriminating against individuals on the basis of genetic information; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 329. A bill to require States that receive funds under the Elementary and Secondary Education Act of 1965 to enact a law that requires the expulsion of students who are convicted of a crime of violence; to the Committee on Education and the Workforce.

H.R. 330. A bill to repeal the provision of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 331. A bill to prohibit foreign assistance to Russia unless certain requirements relating to Russian intelligence activities, relations between Russia and certain countries, Russian arms control policy, and the reform of the Russian economy are met; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 332. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 333. A bill to amend the Controlled Substances Act to require that courts, upon the criminal conviction under that act, notify the employer of the convicted person; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. ROEMER, Mr. BARR of Georgia, Mrs. CHENOWETH, Mr. GOODLATTE, and Mr. HERGER):

H.R. 334. A bill to amend the Indian Gaming Regulatory Act to bring more balance into the negotiation of tribal-State compacts, to require an individual participating in class II or class III Indian gaming to be physically present at the authorized gaming activity, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself and Mr. WATTS of Oklahoma):

H.R. 335. A bill to establish the Commission on the Future for America's Veterans; to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. COBURN, Mr. FORBES, Mr. GOSS, Mr. MCINNIS, Mr. METCALF, Mr. NEY, Mr. NORWOOD, Ms. PRYCE of Ohio, Mr. ROYCE, Mr. SCHIFF, Mr. TAYLOR of North Carolina, Mr. TRAFICANT, and Mr. SMITH of New Jersey):

H.R. 336. A bill to amend titles II and XVIII of the Social Security Act to ensure the integrity of the Social Security trust funds by reconstituting the boards of trustees of such trust funds and the managing trustee of such trust funds to increase their independence, by providing for annual investment plans to guide investment of amounts in such trust funds, and by removing unnecessary restrictions on investment and disinvestment of amounts in such trust funds; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. LEWIS of Georgia, Mr. GEJDENSON, Mr. SERRANO, Mr. SANDERS, and Mr. FILNER):

H.R. 337. A bill to amend the Internal Revenue Code of 1986 and titles XVIII and XIX of the Social Security Act to ensure access to services and prevent fraud and abuse for enrollees of managed care plans, to amend standards for Medicare supplemental polices, to modify the Medicare select program, and to provide other protections for beneficiaries of health plans generally, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. TOWNS, Mr. SOLOMON, Mr. MCHALE, Mr. MANTON, Mr. MURTHA, Mr. HOUGHTON, and Mr. BOEHLERT):

H.R. 338. A bill to prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Commerce.

By Mr. STEARNS (for himself, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, and Mr. BARR of Georgia):

H.R. 339. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 340. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income taxes and to require individuals to pay estimated taxes on a monthly basis; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. FALEOMAVAEGA, Mr. OBERSTAR, Ms. LOFGREN, Mr. MINGE, Mr. WATT of North Carolina, and Mr. OXLEY):

H.R. 341. A bill to establish limitations with respect to the disclosure and use of genetic information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 342. A bill to provide for the comparable treatment of Federal employees and Members of Congress and the President during a period in which there is a Federal Government shutdown; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. ROHRABACHER, Mr. COBURN, Mr. HAMILTON, and Ms. DANNER):

H.R. 343. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the U.S. Government exists; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. MCHUGH, Mr. ROHRABACHER, and Mr. WOLF):

H.R. 344. A bill to establish the bipartisan Commission on the future of Medicare to make findings and issue recommendations on the future of the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself and Mr. GOSS):

H.R. 345. A bill to repeal the National Voter Registration Act of 1993; to the Committee on House Oversight.

By Mr. STUMP:

H.R. 346. A bill to clarify the effect on the citizenship of an individual of the individual's birth in the United States; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. CALLAHAN):

H.R. 347. A bill to effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of U.S. citizens; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 348. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an amount equivalent to a $1,000,000 exclusion; to the Committee on Ways and Means.

H.R. 349. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 350. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1986 to encourage States to enact a law enforcement officer's bill of rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK (for himself and Mr. EHLERS):

H.R. 351. A bill to authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore; to the Committee on Resources.

By Mr. STUPAK:

H.R. 352. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself and Mr. CLEMENT):

H.R. 353. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 354. A bill to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions in connection with an election for Federal office; to the Committee on House Oversight.

H.R. 355. A bill to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such act during the periods covered by such reports; to the Committee on House Oversight.

By Mr. TOWNS:

H.R. 356. A bill to improve health status in medically disadvantaged communities through comprehensive community-based managed care programs; to the Committee on Commerce.

H.R. 357. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Commerce.

H.R. 358. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Commerce.

H.R. 359. A bill to amend title XIX of the Social Security Act to require State Medicaid programs to provide coverage of screening mammography and screening pap smears; to the Committee on Commerce.

H.R. 360. A bill to amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste; to the Committee on Commerce.

H.R. 361. A bill to require the Consumer product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Commerce.

H.R. 362. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Reform and Oversight.

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; to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 364. A bill to amend title XVIII of the Social Security Act to provide for Medicare contracting reforms, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 365. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT (for himself, Mr. HASTINGS of Florida, Mr. THOMPSON, Mr. RANGEL, Mr. MENENDEZ, Ms. JACKSON-LEE, Ms. MOLINARI, Mr. HINCHEY, Mr. LIPINSKI, Mr. HYDE, Ms. NORTON, Mr. DELLUMS, and Ms. DELAURO):

H.R. 366. A bill to require the surgical removal of silicone gel and saline filled breast implants, to provide for research on silicone and other chemicals used in the manufacture of breast implants, and for other purposes; to the Committee on Commerce.

By Mr. TRAFICANT (for himself, Mr. NORWOOD, Mr. HEFLEY, Mr. HAYWORTH, and Mr. DUNCAN):

H.R. 367. A bill to amend the Internal Revenue Code of 1986 to place the burden of proof on the Secretary of the Treasury in civil cases and on the taxpayer in administrative proceedings, to require 15 days notice and judicial consent before seizure, to exclude civil damages for unauthorized collection actions from income, and for other purposes; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 368. A bill to amend the Organic Act of Guam to provide the government of Guam with a right-of-first refusal regarding excess Federal real property located in Guam; to the Committee on Resources, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO:

H.R. 369. A bill to require the Federal Communications Commission to prescribe rules to protect public safety by preventing broadcasts that create hazards for motorists; to the Committee on Commerce.

H.R. 370. A bill to require that wages paid under a Federal contract are greater than the local poverty line, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 371. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

H.R. 372. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 373. A bill to amend the Small Business Act to strengthen existing protections for small business participation in Federal contracting opportunities, to provide for assessments of the impacts on small businesses of the steadily increasing use of contract bundling by the procurement activities of the various Federal agencies, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 374. A bill to amend the act popularly known as the Sikes Act to enhance fish and wildlife conservation and natural resources management programs; to the Committee on Resources, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted January 9, 1997]

By Mr. ACKERMAN:

H.R. 382. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of postsecondary education expenses; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. BORSKI, Mr. BOUCHER, Mr. CUNNINGHAM, Ms. DELAURO, Mr. FILNER, Mr. FRANKS of New Jersey, Mr. HILLIARD, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KING of New York, Mr. LAFALCE, Mr. MCHALE, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. MOLINARI, Ms. NORTON, Mr. OBERSTAR, Mr. PASTOR, Mr. PAYNE, Mr. SAXTON, Mr. SCHUMER, Mr. SERRANO, Mr. TRAFICANT, and Mr. WOLF):

H.R. 383. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 384. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Banking and Financial Services.

H.R. 385. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

By Mr. ANDREWS (for himself, Mr. HOLDEN, Mr. TRAFICANT, Mr. MARTINEZ, AND Mr. SERRANO):

H.R. 386. A bill to substitute evaluations of educational quality for cohort default rates in eligibility determinations for proprietary institutions of higher education under the Federal student assistance programs; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. KASICH, Mr. SANDERS, Mr. ROYCE, Mr. CONDIT, Mr. DEFAZIO, Mr. KLUG, Mr. PETERSON of Minnesota, Mr. SHADEGG, Mr. JACKSON, Mr. PASCRELL, and Mr. DICKEY):

H.R. 387. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 388. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on International Relations.

H.R. 389. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on International Relations.

H.R. 390. A bill to amend section 207 of title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

H.R. 391. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in tax enterprise zone businesses and domestic businesses; to the Committee on Ways and Means.

H.R. 392. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of American-made products, and by extending transportation-related spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Government Reform and Oversight, Banking and Financial Services, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself Mr. ANDREWS, Mrs. KENNELLY of Connecticut, Mr. SHAYS, and Mr. MARKEY):

H.R. 393. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. BARCIA of Michigan:

H.R. 394. A bill to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, MI; to the Committee on Agriculture.

By Mr. BARCIA of Michigan (for himself and Mr. CAMP):

H.R. 395. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax arrows; to the Committee on Ways and Means.

By Mr. BARRETT of Nebraska:

H.R. 396. A bill to amend the Internal Revenue Code of 1986 to provide that the alternative minimum tax shall not apply to installment sales of farm property; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 397. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 398. A bill to amend the Solid Waste Disposal Act to exempt pesticide rinse water degradation systems from subtitle C permit requirements; to the Committee on Commerce.

By Mr. BILIRAKIS (for himself, Mr. CANADY of Florida, Mr. ROHRABACHER, Mr. MCHUGH, Mr. KING of New York, and Mr. GILMOR):

H.R. 399. A bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Reform and Oversight.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. GOODLATE, and Ms. LOFGREN):

H.R. 400. A bill to amend title 35, United States Code, with respect to patents, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. BONO, and Mr. FRANK of Massachusetts):

H.R. 401. A bill to modify the application of the antitrust laws to encourage the licensing and other use of certain intellectual property; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

H.R. 403. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; to the Committee on Rules, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. BROWN of California, Mr. LEWIS of California, Mr. HORN, Mr. RIGGS, Mr. FAZIO of California, Ms. RIVERS, and Mr. BOUCHER):

H.R. 404. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes; to the Committee on Government Reform and Oversight.

By Mr. ENGEL:

H.R. 405. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program, to provide for coverage of outpatient prescription drugs under part B of such program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCHALE, Mr. SAXTON, Mr. CANADY of Florida, Mr. GRAHAM, Mr. EHLERS, and Mr. LOBIONDO):

H.R. 406. A bill to establish the Independent Commission on Medicare to make recommendations on how to best match the structure of the Medicare Program with the funding made available for the program by Congress, to provide for expedited consideration in Congress of the Commission's recommendations, and to establish a default process for meeting congressional spending targets for the Medicare Program if Congress rejects the Commission's recommendations; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAZIO of California (for himself, Mr. HALL of Ohio, Mr. NORWOOD, and Ms. WOOLSEY):

H.R. 407. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. CUNNINGHAM, Mr. CARDIN, Mr. YOUNG of Alaska, Mr. ORTIZ, Mr. BILBRAY, and Mr. KOLBE):

H.R. 408. A bill 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; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. SOLOMON, Mr. MCHALE, Mr. TALENT, and Mr. SAM JOHNSON):

H.R. 409. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

By Mr. GORDON (for himself, Mrs. CLAYTON, Mr. STUMP, Mr. BAESLER, Mr. JONES, Mr. MCINTOSH, Mr. NORWOOD, Mr. TAYLOR of North Carolina, Mr. LEWIS of Kentucky, Mr. DELAY, Mr. BARR of Georgia, Mrs. MYRICK, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. SPRATT, Mr. COBLE, Mr. HEFNER, Mr. COLLINS, Mr. CLEMENT, Mr. TANNER, Mr. CALLAHAN, Mr. GRAHAM, Mr. BALLENGER, Mr. CLYBURN, Mr. MICA, Mr. SISISKY, and Mr. HOSTETTLER):

H.R. 410. A bill to prohibit the use of any tobacco or tobacco product as a sponsor of an event of the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government; to the Committee on Commerce.

By Ms. HARMAN (for herself, Mrs. MORELLA, Ms. DELAURO, Mrs. KELLY, Mr. DELLUMS, Mr. BALDACCI, Mrs. CLAYTON, Mr. CONYERS, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. RIVERS, Ms. ROYBAL-ALLARD, and Ms. SLAUGHTER):

H.R. 411. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on National Security.

By Mr. HASTINGS of Washington:

H.R. 412. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, to the Committee on Resources.

H.R. 413. A bill to prohibit further extension or establishment of any national monument in Washington State without full public participation and an express Act of Congress, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. WATTS of Oklahoma, Mr. NORWOOD, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. ENSIGN, Mr. BONILLA, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. RAMSTAD, Mr. CONDIT, Mr. GOODLATTE, Mr. LEWIS of Kentucky, Mr. BALLENGER, Mr. BEREUTER, Mr. CUNNINGHAM, Mr. CLEMENT, Mr. HERGER, Mr. STEARNS, Mr. DAN SCHAEFER of Colorado, and Mr. HOYER):

H.R. 414. A bill to authorize the use of the Medicare trust funds to reimburse the Department of Defense for certain health care services provided to Medicare-eligible covered military beneficiaries; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. ARCHER, Mr. THOMAS, Mr. COBLE, Mr. INGLIS of South Carolina, Mr. MCCOLLUM, Mr. GOODLATTE, Mr. CANADY of Florida, Mr. BONO, Mr. CAMPBELL, Mr. SHAW, Mr. MCCRERY, Mr. CRANE, Mr. DEAL of Georgia, and Mr. LINDER):

H.R. 415. A bill to modify the application of the antitrust laws to health care provider networks that provide health care services, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 416. A bill to amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service; to the Committee on the Judiciary.

By Mrs. KENNELLY of Connecticut (for herself and Mrs. MORELLA):

H.R. 417. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive deductibles and coinsurance for screening mammography under the Medicare Program: to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. ENSIGN):

H.R. 418. A bill to amend title XVIII of the Social Security Act to provide for coverage of an annual screening mammography under part B of the Medicare Program for women age 65 or older; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. MINGE, and Mr. SERRANO):

H.R. 419. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI (for himself, Mr. ENGLISH of Pennsylvania, and Mr. MCCRERY):

H.R. 420. A bill to amend the Internal Revenue Code of 1986 to modify the exclusion of gain on certain small business stock and to allow nonrecognition on gain from the sale of such stock if other small business stock is purchased; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mrs. KENNELLY of Connecticut):

H.R. 421. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Commerce.

By Mrs. MORELLA:

H.R. 422. A bill to require the Commissioner of the Bureau of Labor Statistics to conduct time use surveys of unremunerated work performed in the United States and to calculate the monetary value of such work; to the Committee on Education and the Workforce.

By Mrs. MYRICK (for herself, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. GRAHAM, Mr. POSHARD, and Mr. KLINK):

H.R. 423. A bill to direct the Federal Trade Commission to impose civil monetary penalties against persons disseminating false political advertisements; to the Committee on Commerce.

By Mrs. MYRICK (for herself, Mr. GILMAN, Mr. GRAHAM, Mr. SOLOMON, and Mr. SENSENBRENNER):

H.R. 424. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 425. A bill to amend title 18, United States Code, to punish false statements during debate on the floor of either House of Congress; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mr. SMITH of Oregon, Ms. DUNN of Washington, Mr. POMEROY, Mr. MATSUI, Mr. DOOLEY of California, Mr. MCCRERY, Mr. HERGER, Mr. NUSSLE, Mr. STENHOLM, Mr. WELLER, Mr. HASTINGS of Washington, Mr. ENGLISH of Pennsylvania, Mr. COMBEST, Mr. BOEHNER, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. CRAPO, Mr. LAHOOD, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. POMBO, Mrs. CHENOWETH, Mr. BALDACCI, Mr. MINGE, Mr. CHAMBLISS, Mr. HOLDEN, Mr. MCINTOSH, Mr. WHITFIELD, Mr. WATTS of Oklahoma, Mr. EVANS, Mr. HASTERT, Mr. SOLOMON, Mr. GANSKE, Mr. EWING, Mr. FROST, Mr. BRYANT, Mr. LEACH, Mr. LATHAM, Mr. HALL of Texas, Mr. GUTKNECHT, Mr. BARRETT of Nebraska, Mr. FAZIO of California, Mr. PARKER, Mr. TANNER, Ms. DANNER, Mr. COSTELLO, Mr. TRAFICANT, Mr. NORWOOD, Mr. HOSTETTLER, Mr. COX of California, Mr. MORAN of Kansas, Mr. LUCAS of Oklahoma, Mr. HILL, Mrs. CLAYTON, Mr. COOKSEY, Mr. BEREUTER, Mr. METCALF, Mr. CRAMER, Mr. HOBSON, Mr. MCINTYRE, Mr. THORNBERRY, Mr. DEAL of Georgia, Mr. DICKEY, Mr. POSHARD, Mr. BAKER, Mr. HULSHOF, Mr. BUYER, Mr. BONO, Mr. BERRY, Mr. GOODLATTE, Mr. KOLBE, Mr. OXLEY, Mr. CALLAHAN, Mr. SESSIONS, Mr. THUNE, Mrs. MINK of Hawaii, Mr. STUMP, Mr. ADERHOLT, Mr. GILLMOR, Mr. COOK, and Mr. HUTCHINSON):

H.R. 426. A bill to amend the Internal Revenue Code of 1986 to provide that the alternative minimum tax shall not apply to installment sales of farm property; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 427. A bill to allow for a 1-year extension on Conservation Reserve Program contracts expiring in 1997; to the Committee on Agriculture.

By Mr. PICKETT:

H.R. 428. A bill to provide that the property of innocent owners is not subject to forfeiture under the laws of the United States; to the Committee on the Judiciary.

H.R. 429. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations; to the committee on the Judiciary.

H.R. 430. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 431. A bill to amend the Fair Labor Standards Act of 1938 to allow employees in classified positions in community colleges to serve in certified or other academic capacities; to the Committee on Education and the Workforce.

By Mr. RICHARDSON:

H.R. 432. A bill to amend title 10, United States code, to provide for the issuance of a nuclear radiation medal to persons who while members of the Armed Forces participated in an activity resulting in risk of exposure to nuclear radiation; to the Committee on National Security.

H.R. 433. A bill to enhance the National Park System, and for other purposes; to the Committee on Resources.

H.R. 434. A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM, to the village of El Rito and the town of Jemez Springs, NM; to the Committee on Resources.

By Mr. SANFORD:

H.R. 435. A bill to provide for the establishment of uniform accounting systems, accounting standards, and accounting reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 436. A bill to eliminate certain benefits for Members of Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, and Mr. FARR of California):

H.R. 437. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. NEUMANN, Mr. PETRI, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. KIND of Wisconsin, Mr. STUPAK, Mr. NADLER, Mr. RAMSTAD, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SABO, Mr. MINGE, Ms. RIVERS, Mr. POMEROY, Mr. GUTKNECHT, Mr. VENTO, and Mr. EVANS):

H.R. 438. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 439. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; to the Committee on Resources.

H.R. 440. A bill to amend the Internal Revenue Code of 1986 to allow certain corporations and certain trusts to be shareholders of subchapter S corporations; to the Committee on Ways and Means.

H.R. 441. A bill to repeal the Impoundment Control Act of 1974; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income up to $500,000 of gain on the sale of a principle residence and up to $500,000 of gain on the sale of farmland; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. MCDERMOTT, and Mr. LEWIS of Georgia):

H.R. 443. A bill to amend part A of title XVIII of the Social Security Act to deny Medicare payment with respect to nonprofit hospitals that transfer assets or control to for-profit entities without approval; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. LEWIS of Georgia, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. DELLUMS, Mr. GONZALEZ, Mr. GREEN, Mr. MARTINEZ, Mr. OBERSTAR, Ms. RIVERS, and Mr. TOWNS):

H.R. 444. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to assist in assuring health coverage for workers over 55 who leave employment; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 445. A bill to provide that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply to government entities; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. NEAL of Massachusetts, Mr. ENSIGN, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. GEJDENSON, Mr. MCINTOSH,

Mr. LIVINGSTON, Mr. EHRLICH, Mr. HERGER, Mr. MCGOVERN, Mr. FROST, Mr. COOK, Mrs. EMERSON, Ms. DUNN of Washington, Mr. CRANE, Mr. GRAHAM, Mr. GREEN, Mr. MCCRERY, Mr. SAXTON, Mr. BARRETT of Nebraska, and Mr. BARTLETT of Maryland):

H.R. 446. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. HAYWORTH, Mr. SHAYS, and Mr. POSHARD):

H.R. 447. A bill to amend title 39, United States Code, to require the U.S. Postal Service to accept a change-of-address order from a commercial mail receiving agency and to forward mail to the new address; to the Committee on Government Reform and Oversight.

By Mr. BACHUS:

H.R. 448. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. DAN SCHAEFER of Colorado (for himself, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. ROEMER, Mr. CASTLE, Mr. KENNEDY of Massachusetts, Mr. BACHUS, Mr. TANNER, Mr. BAKER, Mr. MINGE, Mr. BALLENGER, Mr. SPRATT, Mr. BARTLETT of Maryland, Mr. POSHARD, Mr. BASS, Mr. VISCLOSKY, Mr. BATEMAN, Mr. HOYER, Mr. ANDREWS, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. BEREUTER, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BOYD, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. COOK, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DEUTSCH, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOYLE, Mr. DUNCAN, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HANSEN, Ms. HARMAN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HEFLEY, Mr. HEFNER, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HINOJOSA, Mr. HORN, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. KIM, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHALE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MEEHAN, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. NORWOOD, Mr. ORTIZ, Mr. PACKARD, Mr. PALLONE, Mr. PAPPAS, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. QUINN, Mr. RAMSTAD, Mr. RICHARDSON, Mr. RIGGS, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SANDLIN, Mr. SANFORD, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SHAW, Mr. SHAYS, Mr. SISISKY, Mr. SKELTON, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THORNBERRY, Mr. TURNER, Mr. UPTON, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WHITE, Mr. WHITFIELD, Mr. WOLF, Mrs. CUBIN, Mr. OXLEY, and Mr. BOSWELL):

H.J. Res. 1. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mrs. FOWLER, Mr. INGLIS of South Carolina, Mr. HILLEARY, Mr. GINGRICH, Mr. ARMEY, Ms. DUNN of Washington, Mr. COX of California, Mr. LINDER, Mr. HANSEN, Mr. GILLMOR, Mr. BACHUS, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BONILLA, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CHAMBLISS, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COOK, Mr. CRANE, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTKNECHT, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HOBSON, Mr. HOEKSTRA, Mr. HORN, Mr. HOUGHTON, Mr. HULSHOF, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MEEHAN, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. PACKARD, Mr. PAXON, Mr. PEASE, Mr. PITTS, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. ROHRABACHER, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. THORNBERRY, Mr. THUNE, Mr. TIAHRT, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, and Mr. MINGE):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina (for himself, Mr. SANFORD, Mr. DICKEY, MR. RIGGS, and Mr. CHABOT):

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless both parents are either U.S. citizens or aliens lawfully admitted for permanent residence at the time of the birth; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. BILBRAY, MR. TALENT, AND MR. GRAHAM):

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of Senators and Representatives; to the Committee on the Judiciary.

By Mr. COBLE:

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. BUNNING of Kentucky, Mr. HASTERT, Mr. COLLINS, Mr. KNOLLENBERG, Mr. CRAPO, Mr. CHRISTENSEN, Mr. BLUNT, Mr. SMITH of New Jersey, Mr. CAMP, and Mr. GRAHAM):

H.J. Res. 7. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United Stats to permit the Congress to limit contributions and expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mr. GOSS:

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of consecutive terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. MORAN of Virginia, Mr. MINGE, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Washington, Mr. STUPAK, Mr. POSHARD, Mr. MARKEY, and Mr. POMEROY):

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect elections for Federal and State office; to the Committee on the Judiciary.

By Mr. ROYCE:

H.J. Res. 18. Joint resolution entitled the ''Citizen's Tax Protection Amendment'', proposing an amendment to the Constitution of the United States to prohibit retroactive taxation; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States regarding school prayer; to the Committee on the Judiciary.

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States with respect to the proposal and the enactment of laws by popular vote of the people of the United States; to the Committee on the Judiciary.

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. STUMP:

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to provide that no person may serve as a Representative for more than 12 years; to the Committee on the Judiciary.

H.J. Res. 24. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

[Submitted January 9, 1997]

By Mr. LIVINGSTON:

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes; considered and agreed to.

By Mr. FOLEY (for himself, Mr. ROHRABACHER, Mr. ROYCE, Mr. DOOLITTLE, Mr. YOUNG of Alaska, Mrs. CHENOWETH, Mr. MCKEON, Mr. CALVERT, Mr. KLUG, Mr. BAKER, and Mr. METCALF):

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen unless a parent is a U.S. citizen, is lawfully in the United States, or has a lawful immigration status at the time of the birth; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. FOWLER, and Mr. MCCOLLUM):

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives, to provide that Representatives shall be elected in the same year as the President, and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself and Mr. WISE):

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States regarding the liability of Members of Congress for false statements made in carrying out their official duties; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limits; to the Committee on the Judiciary.

By Mr. SANFORD:

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. COBLE:

H. Con. Res. 1. Concurrent resolution expressing the sense of the Congress that retirement benefits for Members of Congress should not be subject to cost-of-living adjustments; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE (for herself, Mr. WYNN, Mrs. MEEK of Florida, Mr. SCHUMER, Mr. CLAY, Mr. ENGEL, Mr. ACKERMAN, Mr. UNDERWOOD, Mr. CONYERS, Ms. DELAURO, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. OWENS):

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress with respect to the threat to the security of American citizens and the United States Government posed by armed militia and other paramilitary groups and organizations; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. SERRANO:

H. Con. Res. 4. Concurrent resolution entitled ''English Plus Resolution''; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself and Mr. MCHALE):

H. Con. Res. 5. Concurrent resolution for the approval of regulations of the Office of Compliance under the Congressional Accountability Act of 1995 relating to the application of chapter 71 of title 5, United States Code; to the Committee on House Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted January 9, 1997]

By Mr. BILIRAKIS (for himself, Mr. PORTER, Mrs. MALONEY of New York, Mr. PAPPAS, Mr. KLINK, Mr. GEKAS, and Mr. ENGEL):

H. Con. Res. 6. Concurrent resolution concerning the protection and continued livelihood of Eastern Orthodox Ecumenical Patriarchate; to the Committee on International Relations.

By Mr. PICKETT:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. ABERCROMBIE):

H. Con. Res. 8. Concurrent resolution expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems; to the Committee on Resources.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOEHNER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. ARMEY:

H. Res. 2. Resolution electing officers of the House of Representatives; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

H. Res. 4. Resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

H. Res. 5. Resolution adopting the Rules of the House for the 105th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 6. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. BOEHNER:

H. Res. 7. Resolution establishing the Corrections Day Calendar Office; considered and agreed to.

By Mr. SOLOMON:

H. Res. 8. Resolution providing for the attendance of the House at the inaugural ceremonies of the President and Vice President

of the United States; considered and agreed to.

H. Res. 9. Resolution fixing the daily hour of meeting for the 105th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 10. Resolution authorizing the Speaker's designee to administer the oath of office to Representative-Elect FRANK TEJEDA; considered and agreed to.

H. Res. 11. Resolution authorizing the Speaker's designee to administer the oath of office to Representative-Elect JULIA CARSON; considered and agreed to.

By Mr. BOEHNER:

H. Res. 12. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 13. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

H. Res. 14. Resolution electing Representatives Sanders of Vermont to the Committees on Banking and Financial Services and Government Reform and Oversight; considered and agreed to.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. MASCARA, Mr. CUMMINGS, Mr. MORAN of Virginia, and Mr. MARKEY):

H. Res. 15. Resolution concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, urging continued and increased support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia, and urging support for democratic forces in all of the countries emerging from the former Yugoslavia; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H. Res. 16. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. KLINK (for himself, Mr. BILIRAKIS, and Mr. COYNE):

H. Res. 17. Resolution calling upon, and requesting that the President call upon, all Americans to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II, and commending the PanCretan Association of America; to the Committee on International Relations.

By Mr. ROYCE:

H. Res. 18. Resolution amending the Rules of the House of Representatives to require the reduction of section 602(b)(1) suballocations to reflect floor amendments to general appropriation bills, and for other purposes; to the Committee on Rules.

By Mr. SHAYS (for himself and Mr. MCHALE):

H. Res. 19. Resolution for the approval of regulations of the Office of Compliance under the Congressional Accountability Act of 1995 relating to the application of chapter 71 of title 5, United States Code; to the Committee on House Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H. Res. 20. Resolution to authorize and direct the Committee on Appropriations to create a new Subcommittee on Veterans' Affairs; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 21. Resolution expressing the sense of the House of Representatives with respect to withholding U.S. financial support from the United Nations unless that organization adopts certain reforms; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. PALLONE):

H. Res. 22. Resolution congratulating the people of India on the occasion of the 50th anniversary of their nation's independence; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. SMITH of Michigan):

H. Res. 23. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. STUPAK:

H. Res. 24. Resolution amending the Rules of the House of Representatives to reduce the number of programs covered by each regular appropriation bill; to the Committee on Rules.

[Submitted January 9, 1997]

By Mr. ARMEY:

H. Res. 25. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. ANDREWS:

H. Res. 26. Resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the equal rights amendment as a part of the Constitution, when the legislatures of an additional three States ratify the equal rights amendment; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. UNDERWOOD, Mr. FILNER, and Ms. LOFGREN):

H. Res. 27. Resolution amending the Rules of the House of Representatives to allow each Member to designate one bill introduced by such Member to be the subject of a committee vote; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 28. Resolution expressing the sense of the House of Representatives that programs based upon the premise that ''Ebonics'' is a legitimate language should not receive Federal funds; to the Committee on Education and the Workforce.

By Mr. RICHARDSON (for himself and Mr. MILLER of California):

H. Res. 29. Resolution expressing the intentions of the House of Representatives concerning the universal service provisions of the Telecommunications Act of 1996 as they relate to telecommunications services to native Americans, including Alaskan Natives; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Mr. HOEKSTRA, Mr. SHAYS, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. HAYWORTH, Mr. SAXTON, Mr. STEARNS, and Mr. METCALF):

H. Res. 30. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. BILIRAKIS:

H.R. 375. A bill for the relief of Margarito Domantay; to the Committee on the Judiciary.

By Mr. DICKEY:

H.R. 376. A bill to require approval of an application for compensation for the death of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. ENGEL:

H.R. 377. A bill for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 378. A bill for the relief of Heraclio Tolley; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 379. A bill for the relief of Larry Errol Pieterse; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 380. A bill for the relief of Robert and Verda Shatusky; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 381. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. YOUNG of Alaska, Mr. RAHALL, Mr. PETRI, Mr. BORSKI, Mr. BOEHLERT, Mr. LIPINSKI, Mr. BATEMAN, Mr. WISE, Mr. COBLE, Mr. TRAFICANT, Mr. DUNCAN, Mr. DEFAZIO, Ms. MOLINARI, Mr. CLEMENT, Mr. EWING, Mr. COSTELLO, Mr. GILCHREST, Mr. POSHARD, Mr. KIM, Mr. CRAMER, Mr. HORN, Ms. NORTON, Mr. FRANKS of New Jersey, Mr. NADLER, Mr. MICA, MS. DANNER, Mr. QUINN, Mr. MENENDEZ, Mrs. FOWLER, Mr. CLYBURN, Mr. EHLERS, Ms. BROWN of Florida, Mr. BACHUS, Mr. BARCIA of Michigan, Mr. LATOURETTE, Mr. FILNER, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAHOOD, Mr. MASCARA, Mr. BAKER, Mr. TAYLOR of Mississippi, Mr. RIGGS, Ms. MILLENDER-MCDONALD, Mr. BASS, Mr. CUMMINGS, Mr. NEY, Mr. SANDLIN, Mr. METCALF, Mrs. TAUSCHER, Mrs. EMERSON, Mr. PASCRELL, Mr. PEASE, Mr. JOHNSON of Wisconsin, Mr. BLUNT, Mr. BOSWELL, Mr. PITTS, Mr. MCGOVERN, Mr. HUTCHINSON, Mr. COOKSEY, Mr. THUNE, Mr. PICKERING, Ms. GRANGER, Mr. MCHUGH, Mr. WELLER, Mr. EVANS, Mr. NORWOOD, Mr. GILMAN, Mr. BARTLETT of Maryland, Mr. BONO, Mr. CALVERT, Mr. SCHIFF, Mr. HASTERT, Mr. MCKEON, Mr. KILDEE, Mr. LEWIS of Kentucky, Mr. WATTS of Oklahoma, Mr. BEREUTER, Mr. ENSIGN, Mr. GRAHAM, Mr. DIAZ-BALART, Mr. GEKAS, Mr. CONYERS, Mr. UPTON, Mr. DOYLE, Mr. KLINK, Mr. FROST, Mr. JACKSON, Mr. HOLDEN, Mr. GORDON, Mr. CHAMBLISS, Mr. LOBIONDO, Mr. HEFLEY, Mr. FOX of Pennsylvania, Mr. STUPAK, Mr. GEJDENSON, Ms. WOOLSEY, Mr. TALENT, Mr. WHITFIELD, Mr. LATHAM, Mr. DEAL of Georgia, Ms. DUNN of Washington, Mr. BALLENGER, Mr. ENGLISH of Pennsylvania, Mr. GOODLING, Mr. GREENWOOD, Mr. DAN SCHAEFER of Colorado, Mr. TAUZIN, Mr. DICKEY, Mr. WELDON of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. BUYER, Mr. BRYANT, Mr. COYNE, Mr. PETERSON of Minnesota, Mr. HAMILTON, Mr. HOSTETTLER, Mr. KLECZKA, Mr. GILLMOR, Mr. PAYNE, and Mr. PICKETT.

H.R. 7: Mr. BONO, Mr. SAM JOHNSON, Mr. DAN SCHAEFER of Colorado, and Mr. HASTINGS of Washington.

H.R. 14: Mr. KASICH, Mr. TAUZIN, Mr. CHAMBLISS, Mr. RADANOVICH, Mr. EHLERS, Mr. SALMON, Mr. BILBRAY, Mr. UPTON, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. KOLBE, Mr. KNOLLENBERG, Mr. BONILLA, Mr. CALLAHAN, Mr. FORBES, Mr. GILCHREST, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. HORN, Mr. KIM, and Mr. SOLOMON.

H.R. 41: Mr. DEAL of Georgia, Mr. HAYWORTH, Mr. HILLEARY, Ms. MOLINARI, Mr.

ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. PORTMAN, Mr. PARKER, Mr. NETHERCUTT, Mr. SOLOMON, Mrs. CHENOWETH, Mr. NEY, Mr. SAXTON, Mr. STUMP, Mr. BARTLETT of Maryland, and Mr. BARR of Georgia.

H.R. 54: Mr. GALLEGLY and Mr. BONO.

H.R. 86: Mr. CONDIT, Mr. MINGE, Mr. CANADY of Florida, Mr. EVERETT, Mr. GOODLATTE, Mr. PICKERING, Mr. COOKSEY, Mrs. EMERSON, Mr. JENKINS, Mrs. CHENOWETH, Mr. METCALF, Mr. COBURN, and Mr. BEREUTER.

H.R. 127: Mr. GREENWOOD, Mr. SCHIFF, Mr. GRAHAM, Mr. SAWYER, Mr. FROST, Mr. RAHALL, Mr. BALDACCI, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. HEFNER, Ms. RIVERS, Mr. VENTO, Mr. MEEHAN, and Ms. HARMAN.

H.R. 135: Mr. BOUCHER, Mr. DELLUMS, Mr. GUTIERREZ, Mr. LEWIS of California, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. MCHUGH, and Mr. SCOTT.

H.R. 198: Mr. BONO and Mr. NETHERCUTT.

H.R. 213: Mr. MARTINEZ and Mr. GRAHAM.

H.R. 248: Mr. GRAHAM and Mr. ENGLISH of Pennsylvania.

H.R. 249: Mr. KNOLLENBERG and Mr. GRAHAM.

H.R. 250: Mr. STEARNS.

H.R. 259: Mr. MILLER of California.

H.R. 305: Ms. LOFGREN, Mr. LUTHER, Mr. SENSENBRENNER, Mr. SAXTON, and Mr. KLUG.

H.R. 306: Mr. FROST, Mrs. MINK of Hawaii, and Mr. FALEOMAVAEGA.

H.R. 337: Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. GONZALEZ, Mr. GREEN, and Mr. RANGEL.

H.R. 366: Ms. ROYBAL-ALLARD.

H.J. Res. 1: Ms. KAPTUR, Mr. GORDON, Mr. SCHIFF, Mr. BRYANT, Mr. FAWELL, Mr. JOHN, Mr. SENSENBRENNER, Mr. LATHAM, and Mr. MCINTOSH.

H. Con. Res. 4: Mr. MCHALE, Mr. GONZALEZ, Mr. UNDERWOOD, Mr. OWENS, Mr. FROST, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, Mr. LAFALCE, Ms. SLAUGHTER, Mr. STARK, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. TORRES, Mrs. MEEK of Florida, Mr. GUTIERREZ, Ms. JACKSON-LEE, Ms. PELOSI, Mr. DELLUMS, Mr. MENENDEZ, Mr. GREEN, Mr. MARTINEZ, Mr. FARR of California, and Mr. ENGEL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3. By the SPEAKER: Petition of the city council of the city of Carson, CA, relative to urging the U.S. Attorney General to immediately conduct a thorough and independent investigation into allegations connecting the Central Intelligence Agency with covert illegal drug sales in the African-American community; to the Committee on the Judiciary.

4. Also, petition of the Derry City Council, Northern Ireland, relative to the deportation of Mr. Matt Morrison from the United States; to the Committee on the Judiciary.