

GSA: B This is a big improvement from its "D" grade last year. It's based on the percentage of renovation, testing and implementation completed.

NSF: B Based on renovation and testing completed. An increase from last year's "C."

SBA: B It went from "A" to a "B" based on its percentage of renovation, testing and implementation.

HHS: B minus It moved up from a "D" based on its renovation percentage. [GAO has more information in its summary]

EPA: C It missed the assessment deadline, but moved up from a "D" last year due to the percentage of renovation and testing completed.

FEMA: C Missed assessment deadline, has shown weakness in the renovation percentage. It improved from an "F" last year.

HUD: C It is lacking in both renovation and testing percentages.

INTERIOR: C It improved from a "D" based on renovation reported, however, it has conducted no testing.

LABOR: C It improved from an "F" but is lacking in renovation and testing.

STATE: C Its grade was reduced from a "B" due to its poor renovation and testing percents.

VETERANS: C Improved from its "D" grade, the agency has not completed its assessment.

DEFENSE: C minus DOD has half of the Federal Government's computer systems, and has not completed the assessment phase. [GAO summary provides greater detail] Last year "C."

COMMERCE: D Failed to complete assessment, poor renovation and testing percentages. Last year it received the same grade.

ENERGY: D Failed to complete assessment, poor renovation and testing percentages. It received an "F" last year. [GAO has more information in its summary]

JUSTICE: D Very poor renovation and testing percentages. Same grade last year.

NUCLEAR REGULATORY: D It dropped from a "B" due to zero renovation and testing.

OPM: D One of the biggest declines in grades ("A" last year) due to poor renovation and no testing.

AGRICULTURE: D minus Failed to complete assessment, poor renovation and testing percentages.

NASA: D minus Has not completed its assessment and has poor renovation and testing percentages.

TREASURY: D minus Failed to complete its assessment and has poor renovation and testing percentages. [See GAO's summary for additional information]

AID: F The most dramatic drop, (it received an "A" last year) is because the new system they adopted has Year 2000 problems despite statements made last year by AID that the new system would be Year 2000 complaint.

TRANSPORTATION: F For the second year in a row, it receives an F. This is due to its failure to complete its assessment, with no renovation, testing or implementation. [GAO has more information in its summary]

EDUCATION: F Dropped from a "B" due to its failing to complete its assessment and conducting no renovation, testing, or implementation.

YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES—Continued

Assessment completed Yes/No	In percent		Any implementation Yes/No	Grade	
	Renovation completed	Testing completed			
GSA (General Services Administration)	Yes	35	26	Yes	B
NSF (National Science Foundation)	Yes	33	25	No	B
SBA (Small Business Administration)	Yes	35	35	Yes	B
HHS (Department of Health and Human Services)	Yes	28	10	Yes	B-
EPA (Environmental Protection Agency)	No	33	28	Yes	C
FEMA (Federal Emergency Management Agency)	No	35	35	Yes	C
HUD (Department of Housing and Urban Development)	Yes	9	2	Yes	C
Interior (Department of the Interior)	Yes	43	0	No	C
Labor (Department of Labor)	Yes	15	11	Yes	C
State (Department of State)	Yes	25	0	No	C
VA (Department of Veterans Affairs)	No	51	28	Yes	C
DOD (Department of Defense)	No	40	34	Yes	C-
Commerce (Department of Commerce)	No	15	6	Yes	D
DOE (Department of Energy)	No	10	10	Yes	D
Justice (Department of Justice)	Yes	1	1	No	D
NRC (Nuclear Regulatory Commission)	Yes	0	0	No	D
OPM (Office of Personnel Management)	Yes	3	0	No	D
Agriculture (Department of Agriculture)	No	8	4	Yes	D-
NASA (National Aeronautics and Space Administration)	No	8	7	Yes	D-
Treasury (Department of the Treasury)	No	6	5	Yes	D-
AID (Agency for International Development)	No	N/A	N/A	N/A	F
DOT (Department of Transportation)	No	0	0	No	F
Education (Department of Education)	No	0	0	No	F

Notes: The grades are based on percentages reported by departments and agencies for four categories: Assessment, Renovation, Testing, and Implementation. The departments and agencies are responsible for the accuracy and consistency of percentages reported.

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. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes each day, on September 16, 17, and 18.

Mr. DIAZ-BALART, for 5 minutes, on September 16.

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

- Mr. GORDON.
- Ms. JACKSON-LEE of Texas.
- Mr. CRAPO.
- Ms. ROS-LEHTINEN.

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

- Mr. PETRI.
- Mr. SANDERS.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 16, 1997, at 10:30 a.m. for morning hour debates.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS, OFFICE OF COMPLIANCE, Washington, DC, September 5, 1997.

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

DEAR MR. SPEAKER: Pursuant to Section 304 of the Congressional Accountability Act of 1995, 2 U.S.C. §1384(b)(1), (e), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed rulemaking (proposing amendments to regulations previously adopted by the Board) for publication in the Congressional Record.

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 yours, GLEN D. NAGER, Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, and the Occupational Safety and Health Act of 1970

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors ("Board") of the Office of Compliance is publishing proposed amendments to its regulations implementing sections 204, 205, and 215 of the Congressional Accountability Act of 1995 ("CAA" or the "Act"), 2 U.S.C. §§1314, 1315, 1341. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These sections of the CAA will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress (the "Library") on December 30, 1997, and this Notice of Proposed Rulemaking ("NPRM") proposes to amend the Board's regulations implementing these sections to extend the coverage of the regulations to include GAO and the Library. Several typographical and other minor corrections and changes are also being made to the regulations being amended.

The regulations under section 204, 205, and 215 were adopted in three virtually identical versions, one that applies to the Senate and employees of the Senate, one that applies to the House of Representatives and employees of the House, and one that applies to other covered employees and employing offices. This NPRM proposes that identical amendments be made to the three versions of the regulations. The proposal to amend the regulations that apply to the Senate and its employees is the recommendation of the Office

YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES

Assessment completed Yes/No	In percent		Any implementation Yes/No	Grade	
	Renovation completed	Testing completed			
SSA (Social Security Administration)	Yes	78	67	Yes	A-

of Compliance's Deputy Executive Director for the Senate, the proposal to amend the regulations that apply to the House and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the House of Representatives, and the proposal to amend the regulations that apply to other employing offices and their employees is the recommendation of the Executive Director of the Office of Compliance.

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

Addresses: Submit comments in writing (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt 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, 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 (voice), (202) 426-1912 (TTY). This Notice is also available in the following formats: large print and braille. Requests for this notice in large print or braille should be made to Mr. Russell Jackson, Director, Services Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, at (202) 224-2705 (voice), (202) 224-5574 (TTY).

SUPPLEMENTARY INFORMATION:

1. Background and purpose of this Rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438, was enacted on January 23, 1995. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch.

Sections 204, 205, and 215 apply three of these laws. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections under the Employee Polygraph Protection Act of 1988 ("EPPA"), by providing generally that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002(1), (2), (3). Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), by providing generally that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of section 5 of the Occupational Safety and Health Act of 1970 ("OSHAct"), by providing generally that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, sections 204 and 205 became effective on January 23, 1996, and section 215 became effective on January 1, 1997. However, "with respect to the General Accounting Office and the Library of Congress," the CAA provides that sections 204, 205, and 215 "shall be effective * * * 1 year after transmission to the Congress of the study under section 230." Sections 204(d)(2), 205(d)(2), 215(g)(2) of the

CAA, 2 U.S.C. §§1314(d)(2), 1315(d)(2), 1341(g)(2). This "study under section 230" is a study of the application of certain laws, regulations, and procedures at the General Accounting Office ("GAO") the Government Printing Office ("GPO"), and the Library of Congress ("Library"), which the Board was directed to undertake by section 230 of the CAA, as amended, 2 U.S.C. §1371. The Board transmitted the completed study to Congress on December 30, 1996, and sections 204, 205, and 215 will therefore become effective with respect to GAO and the Library on December 30, 1997.¹

The CAA requires that the Board adopt regulations to implement sections 204, 205, and 215, and further requires that these regulations be the same as the substantive regulations promulgated by the Secretary of Labor to implement the provisions of applicable statute, except if the Board determines, for good cause shown, that a modification would be more effective for the implementation of the rights and protections under these sections. 2 U.S.C. §§1314(c), 1315(c), 1341(d). The Board has adopted regulations implementing these sections with respect to employing offices other than GAO and the Library, and the purpose of this rulemaking is to adopt regulations implementing these sections with respect to GAO and the Library as well.

2. Record of Earlier Rulemakings

To avoid duplication of effort in proposing and adopting regulations with respect to GAO and the Library, the Board plans to rely, in part, on the record of its earlier rulemakings. The regulations implementing sections 204 and 205 of the CAA were proposed, adopted, and issued during the latter part of 1995 and the first part of 1996, and, during that period, the Board solicited comment and explained the basis and purpose of the regulations in several notices published in the CONGRESSIONAL RECORD. On September 28, 1995, the Board published an Advance Notice of Proposed Rulemaking ("ANPRM"), in which the Board solicited comments before promulgating proposed rules under several sections of the CAA, including sections 204 and 205. 141 CONG. REC. S14542-44 (daily ed. Sept. 28, 1995). On November 28, 1995, the Board issued NPRMs proposing regulations under sections 204 and 205, among others, 141 CONG. REC. S17652-64 (daily ed. Nov. 28, 1995), and on January 22, 1996, the Board published Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations under these sections, 142 CONG. REC. S262-74 (daily ed. Jan. 22, 1996). The Board also proposed and adopted separate regulations, pursuant to section 204(a)(3) of the CAA, authorizing the Capitol Police to use lie detector tests. 141 CONG. REC. S14544-45 (daily ed. Sept. 28, 1995) (NPRM); 142 CONG. REC. S260-62 (daily ed. Jan. 22, 1996) (Notice of Adoption, etc.). The adopted regulations were then approved by Congress, and, on April 23, 1996, the Board's Notices of Issuance of Final Regulations were published in the CONGRESSIONAL RECORD setting forth the text of the final regulations implementing several CAA sections, including 204 and 205. 142 CONG. REC. S3917-24, S3948-52 (daily ed. Apr. 23, 1996).

The Board published proposed regulations to implement section 215 on September 19, 1996, 142 CONG. REC. H10711-19 (daily ed. Sept.

19, 1996), and published its Notice of Adoption and Submission for Approval for these regulations on January 7, 1997, 143 CONG. REC. S61-70 (Jan. 7, 1997). The House and Senate have not yet approved this section 215 regulations, and, accordingly, these regulations have not yet been issued.²

3. Proposed Amendments

The Board is presently aware of no reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees. The Board therefore proposes in this NPRM to expand the coverage of the regulations already adopted under sections 204, 205, and 215 to include GAO and the Library and their employees, and to make no other substantive change to the regulations.

a. Regulations Under Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988

The Board's two regulations implementing section 204 of the CAA—i.e., the exclusion for employees of the Capitol Police, and the regulations covering all other employing offices except GAO and the Library—were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3917-24 (Apr. 23, 1996). In the regulations for employing offices other than the Capitol Police, the scope of coverage is established by the definitions of "covered employee" in section 1.2(c) and "employing office" in section 1.2(i). The Board proposes to amend these regulations by adding any employee of GAO or the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office."

b. Regulations under Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act.

Regulations implementing section 205 for employing offices other than GAO and the Library were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3949-52 (Apr. 23, 1996). The scope of coverage of these regulations is established by the definition of "employing office" in section 639.3(a)(1). As presently drafted, the definition in section 639(a)(1) incorporates by reference the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), which includes all covered employees and employing offices other than GAO and the Library. The Board proposes to amend these regulations by adding to the definition of "employing office" a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library to the definition of "employing office."

c. Regulations under Section 215—Rights and Protections Under the Occupational Safety and Health Act of 1970

Regulations implementing section 215 for employing offices other than GAO and the Library were adopted by the Board and published in the January 7, 1997 issue of the Congressional Record, 143 CONG. REC. S61-70 (Jan. 7, 1997). The scope of coverage of these

²Although the Board's regulations implementing section 215 have not yet been issued, section 411 of the CAA provides that, in proceedings to enforce most provisions of the CAA, including section 215, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." 2 U.S.C. §1411.

¹The study under section 230, as well as copies of the December 30, 1996 letters from the Board transmitting the study to Congress, are available for inspection in the Law Library Reading Room, at the address and times stated at the beginning of this Notice. The study may also be viewed on the Office of Compliance's Internet web site at either <http://www.compliance.gov/230.html> or <http://www.access.gpo.gov/compliance/230.html>.

regulations is established by the definition of "covered employee" in section 1.102(c), the definition of "employing office" in section 1.102(i), and a listing in both sections 1.102(j) and 1.103 of entities that, pursuant to the regulations, are included as employing offices if responsible for correcting a violation of section 215 of the CAA. The Board proposes to amend these regulations by adding any employee of GAO or of the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office" and to the entities listed in sections 1.102(j) and 1.103 that can be included as employing offices.

In addition to the proposed changes described above, several typographical and other minor corrections are being made to the regulations being amended, including a few corrections and changes to the list of Department of Labor's regulations under the OSHA Act that are incorporated by reference into the regulations adopted by the Board under section 215 of the CAA.³

4. Request for Comment

The Board invites comment on these proposed amendments generally, and invites comment specifically on whether there is any reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees.

Recommended method of approval. The Board proposes that it will adopt three identical versions of the amendments and recommends: (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House of Representatives and employees of the House of Representatives be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

The Board expects to adopt the amendments and to submit them to the House and Senate for approval by three separate documents, one for the amendments under section 204 of the CAA, one for the amendments

³In the regulations implementing section 204 of the CAA, in the definitions of "employing office" and "covered employee" in sections 1.2(c) and (i), the references to the Office of Technology Assessment ("OTA") and to employees of OTA are being removed, as OTA no longer exists. In the regulations implementing section 205 of the CAA, the title at the beginning of the regulations is being corrected. In the regulations implementing section 215 of the CAA, in the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j) of those regulations, "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations. Furthermore, in Appendix A to Part 1900 of the regulations, several editorial and technical errors are being corrected in the cross-references to the Secretary of Labor's regulations under the OSHA Act and recent changes in the Secretary's regulations are being incorporated. These corrections comport with the Board's stated intention to incorporate by reference the Labor Secretary's substantive regulations in effect at the time the Board approved the regulations under section 215 of the CAA, and to update the list of incorporated regulations when necessitated by the Secretary's changes to those regulations. See 142 CONG. REC. H10711, H10715 (daily ed. Sept. 19, 1996) (NPRM under section 215); section 1900.1(c) of the Board's regulations under section 215, 143 CONG. REC. S61, S67 (daily ed. Jan. 7, 1997).

under section 205, and one for the amendments under section 215. This procedure will enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the Board adopts the amendments under section 215, the Board recommends that the House and Senate approve those amendments together with the regulations.

Signed at Washington, D.C., on this ___ day of _____, 1997.

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

Accordingly, the Board of Directors of the Office of Compliance hereby proposes the following amendments to its regulations:

AMENDMENTS TO REGULATIONS UNDER SECTION 204 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

It is proposed that the regulations implementing section 204 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 CONG. REC. S3917-3924 (daily ed. Apr. 23, 1996), be amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"Sec. 1.2 Definitions

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

"(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (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; (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; (5) the General Accounting Office; or (6) the Library of Congress. * * *"

AMENDMENTS TO REGULATIONS UNDER SECTION 205 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

It is proposed that the regulations implementing section 205 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 CONG. REC. S3949-52 (daily ed. Apr. 23, 1996) be amended by revising the title at the beginning of the regulations, and the introductory text of the first sentence of section 639.3(a)(1), to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

"§639.3 Definitions.

"(a) *Employing office*. (1) the term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * *"

AMENDMENTS TO REGULATIONS UNDER SECTION 215 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the Congressional Record on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), be amended as follows:

1. Extension of coverage.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"§1.102 Definitions.

"(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; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (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; (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; (5) the General Accounting Office; or (6) the Library of Congress."

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (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 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; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

"§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 the correction of 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;
 "(9) the Office of Compliance;
 "(10) the General Accounting Office; and
 "(11) the Library of Congress."

2. Corrections to cross-reference.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, Adopted as Occupational Safety and Health Standards Under Section 215(d) of the CAA":

(a) After "1910.1050 Methylene dianiline." insert the following:

"1910.1051 1,3-Butadiene.
 "1910.1052 Methylene chloride."

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]."

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training."

(d) Strike "1926.556 Aerial lifts."

(d) Strike "1926.753 Safety Nets."

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5027. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Tennessee Valley Marketing Area; Termination of the Order [DA-97-09] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5028. A letter from the Administrator, Agricultural Marketing Services, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit [Docket No. FV97-905-1 IFR] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5029. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 97-073-2] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5030. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Additions to Quarantined Areas and Treat-

ments [Docket No. 97-056-5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5031. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to improve the safety net for agricultural producers; to the Committee on Agriculture.

5032. A letter from the the Director, the Office of Management and Budget, transmitting the Mid-Session Review of the 1998 Budget, pursuant to 31 U.S.C. 1106(a); (H. Doc. No. 105-129); to the Committee on Appropriations and ordered to be printed.

5033. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105-128); to the Committee on Appropriations and ordered to be printed.

5034. A letter from the Acting Under Secretary, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5035. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Health Promotion and Disease Prevention Visits and Immunizations [DoD 6010.8-R] (RIN: 0720-AA33) received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5036. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's final rule—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire [Regulation J; Docket No. R-0972] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5037. A letter from the Assistant Secretary, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) Accountability Report and the Accountability Profiles for the Department of Defense Dependents Schools, pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

5038. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1996, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

5039. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5040. A letter from the Secretary of Education, transmitting a draft of proposed legislation to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics; to the Committee on Education and the Workforce.

5041. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report for fiscal year 1996, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

5042. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (National Highway Traf-

fic Safety Administration) [Docket No. 94-30, Notice] (RIN: 2127-AF17) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designation Facilities and Pollutants: Oregon; Correction [OR-1-0001; FRL-5891-5] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5044. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5892-1] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5045. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: State of Washington [WA 13-6-6121; WA 55-7130; and WA 57-7132; FRL-5889-5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5046. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Northern Sierra Air Quality Management District [CA 185-0047a; FRL-5888-8] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5047. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 167-0036a; FRL-5888-6] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5048. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, South Carolina: Listing of Exempt Volatile Organic Compounds [SC31-1-9646a; FRL-5874-9] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5049. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Direct Final Rule Amending the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and the Amending of Emission Standard Provisions for Gaseous Fueled Vehicles and Engines [FRL-5881-3] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5050. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Georgetown and Garden City, South Carolina) [MM Docket No. 96-196, RM-8878] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5051. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bainbridge,