

Code, are waived for the balance of the first session of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations for the fiscal year ending on September 30, 1998, or continuing appropriations for the fiscal year ending on September 30, 1998. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

#### FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, am I to understand that the continuing resolution which went into effect at midnight is now to be superseded by this continuing resolution, making the previous continuing resolution the shortest CR in the history of the United States Congress, and that under the resolution the gentleman is offering, that the CR will run until next Friday?

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

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

Mr. LIVINGSTON. Mr. Speaker, to the best of my knowledge, the continuing resolution that was passed by us just a few hours ago has been in effect for approximately 2 hours, and, as such, will now be superseded by H.J. Res. 105 and will carry the activities of Government forward through the end of business until midnight this forthcoming Friday.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of H.J. Res. 105 is as follows:

H.J. RES. 105

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 10, 1997" and inserting in lieu thereof "November 14, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 14, 1997" was substituted for "October 23, 1997".*

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

#### FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The Clerk read as follows:

H.R. 2977

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Advisory Committee Act Amendments of 1997".

##### SEC. 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT.

(a) EXCLUSIONS FROM DEFINITION.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration."

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—Such act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

"REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

"SEC. 15. (a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

"(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

"(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

"(3) in developing the advice or recommendation, the academy complied with—

"(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

"(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

"(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on

the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

"(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

"(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

"(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

"(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

"(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

"(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section."

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT.—Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.

**SEC. 3. REPORT.**

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HORN asked and was given permission to revise and extend his remarks and insert extraneous material.)

Mr. HORN. Mr. Speaker, we will use much less than the amount given to either of us. We know the House has been working hard and late, and we are going to keep our comments to just a very few minutes on either side.

Mr. Speaker, the Federal Advisory Committee Act was passed in 1972, as some of the senior Members will remember. For the last 25 years, the administration, Congress, and the various academies such as the National Academy of Sciences and the National Academy of Public Administration, have never questioned the applicability of this law. Recently, however, the United States Court of Appeals for the District of Columbia applied the law of the Federal Advisory Committee Act to the National Academy of Sciences.

Last week, the Supreme Court announced that it will not review the appeals court's decision. The proposal before the House has been cleared with both of the academies, the Office of Management and Budget, the minority and the majority, and the chairman of the House Committee on Science. This proposal would return the National Academy of Sciences to its previous status under law which this House had followed for a quarter century.

In addition, the legislation requires more openness when Federal agencies utilize the academies, similar to those of the National Academy of Sciences and the National Academy of Public Administration.

This increased openness that is now required with their consent is the following:

1. The names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Most data gathering committee meetings will be open to the public unless the type of meeting is excepted under the Freedom of Information Act.

3. The names of reviewers of draft committee reports.

4. Summaries of any closed committee meetings.

The administration, the House and the Senate, both the majority and minority, all agree the academy should not be subject to the full process of the Federal Advisory Committee Act. The Senate is prepared to consider this legislation before the end of this session.

The gentleman from California, [Mr. WAXMAN], the gentlewoman from New

York [Mrs. MALONEY], and the gentleman from Indiana [Mr. BURTON] are cosponsors of H.R. 2977. Last week, the Subcommittee on Government Management, which I chair, held a hearing on this matter. We heard most helpful testimony from both sides of the recent court case. The litigants that brought the court case agreed that the full brunt of the Federal Advisory Committee Act should not apply to the academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government through the National Academy of Sciences and the National Academy of Public Administration.

Our respective staffs have done an excellent job in developing the legislation before us. The members of this team included: For the Republicans, Russell George, chief counsel and staff director of the Subcommittee on Government Management, Information and Technology; Robert Alloway, professional staff member; Mark Brasher, senior policy advisor.

For the Democrats, we are most appreciative of the work of Phil Barnett, chief counsel of the Committee on Government Reform and Oversight, who was joined by David McMillen, professional staff member, and Sheridan Pauker, research assistant.

We all greatly appreciate the find legal drafting and long hours put in by Harry A. Savage, assistant legislative counsel.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask consent that correspondence from Franklin D. Raines, Director, Office of Management and Budget, Executive Office of the President, dated October 28, 1997, and two letters from Dr. Bruce Alberts, president, National Academy of Sciences, dated November 9, 1997.

Also included is my full statement in lieu of a committee report.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, October 28, 1997.

Hon. STEPHEN HORN,

Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR CHAIRMAN HORN: This letter presents the views of the Administration on proposed legislation that would amend the Federal Advisory Committee Act, 5 U.S.C. App. 2, to clarify that the Act applies to committees that are subject to actual management and control by Federal officials.

The need for this legislation was created by the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Animal Legal Defense Fund, Inc. v. Shalala*, 114 F.3d 1209 (D.C. Cir. 1997), that FACA should apply to panels of the National Academy of Sciences. In so deciding, the court of appeals appears to have misinterpreted what Congress intended when it adopted FACA in 1972. The concept of extending FACA to privately managed and controlled organizations outside the Federal government such as the

National Academy of Sciences was discussed and rejected when the FACA legislation was adopted by the House of Representatives. 118 Cong. Rec. 31.421 (1972). The Administration believes that Congress did not intend to apply FACA in this situation. The Executive Branch has consistently followed this interpretation of Congressional intent since 1973. The court decision is directly contrary to that longstanding interpretation.

Moreover, while the full impact of the court of appeal's decision remains to be clarified, implementing this decision may impose significant burdens on the Federal government. More than 450 NAS panels potentially could become subject to FACA. This is almost equal to the total number of discretionary committees (committees created under general agency authorization) that are now subject to FACA in all Federal agencies. Thus, implementation would almost double the number of discretionary committees subject to the FACA chartering requirements, almost double the number of discretionary committees that must be monitored by Federal officials, and significantly increase the administrative burdens on OMB and GSA in overseeing FACA committees. In addition, there is a risk that other entities outside the Federal government might subsequently be deemed "quasi-public" and thus subject to FACA.

As now written, FACA applies to advisory committees that are "established" or "utilized" by Federal agencies. 5 U.S.C. App. 2, section 3(2). Congress can remedy the problem created by the recent court decision by clarifying that a "utilized" committee means one that is subject to actual management and control by a Federal agency. This interpretation is consistent with decisions handed down by appellate courts prior to the 1997 decision in *Animal Legal Defense Fund*, which have held that FACA applies only when committees are subject to actual management and control by agency officials. See *Washington Legal Found. v. U.S. Sentencing Comm'n*, 17 F.3d 1446 (D.C. Cir. 1994); *Food Chemical News v. Young*, 900 F.2d 328 (D.C. Cir.), cert. denied, 498 U.S. 846 (1990). Adoption of this language would also be consistent with administrative policy that the Executive Branch has followed for the past 25 years.

Sincerely,

FRANKLIN D. RAINES,

Director.

"Strike Section 3(2)(C) and all that follows in Section 3(2) and insert in lieu thereof:

"3(2)(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such terms exclude:

(i) any committee created by an entity other than an agency or officer of the Federal Government and not subject to actual management and control by such agencies or officers, and

(ii) any committee composed wholly of full-time, or permanent part-time, employees of the Federal Government. The Administrator shall prescribe regulations for the purposes of this subsection."

NATIONAL ACADEMY OF SCIENCES,

Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,

Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply

the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,  
*President,*  
*National Academy of Sciences.*

NATIONAL ACADEMY OF SCIENCES,  
*Washington, DC, November 9, 1997.*

Hon. STEPHEN HORN,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN HORN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in HR 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, inasmuch as possible, all the information that a committee uses to reach its conclusion is in the public record.

Sincerely,

BRUCE ALBERTS,  
*President.*

STATEMENT OF REPRESENTATIVE HORN ON THE  
FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2977.

The Federal Advisory Committee Act was passed in 1972. It governs the activities of advisory committees created by the Government to obtain expert views and advice on complex issues confronting our Nation. The Act was designed to address two major concerns. First, at that time, advisory committees seemed to be disorganized, duplicative, and generally in need of oversight. Second, committee activities often took place without public participation, making it hard to know whether the committees were really acting in the public interest.

The Act required advisory committees to adhere to certain procedural rules. These rules included, among others: open meetings, involvement by Federal Government officials, and balanced membership. It also provided Office of Management and Budget oversight which was subsequently transferred to the General Services Administration.

Congress did not intend that this legislation would apply to the National Academy of Sciences. The National Academy of Sciences

in an independent organization of scientists and academics that was chartered by Congress in 1863. It frequently sets up committees that provide independent advice to the Government: 90% of these reports are requested by government agencies and/or legislative committees of Congress.

The only other group affected by this bill is the National Academy of Public Administration. It is also an independent organization, founded in 1967 and chartered by Congress in 1984 to assist Federal, State, and local governments on matters of efficiency and accountability.

Congress did not intend for the Act to apply to either of these Academies. This intent in relation to the Academy of Sciences was expressly noted during the deliberations on the legislation in the House of Representatives.

[Quote from CONGRESSIONAL RECORD of September 20, 1972, H3142, follows:]

Mr. HORTON. Am I correct in the understanding that this bill does not apply to such organizations as the National Academy of Sciences and its various committees which make studies and submit reports to the Federal agencies on request?

Mr. HOLIFIELD. The gentleman is quite correct. If he will refer to the joint explanatory statement of the committee of conference at page 10, the first full paragraph, it states as follows: "The Act does not apply to persons or organizations which have contractual relationships with Federal agencies nor to advisory committees not directly established by or for such agencies." As the gentleman knows, the National Academy of Sciences was founded by Congress and, therefore, it comes under that category.

Mr. HORTON. So it would be excluded?

Mr. HOLIFIELD. That is correct.

For the last twenty-five years the Administration, Congress, and the Academies have never questioned the applicability of this law.

Recently, the United States Court of Appeals for the District of Columbia decision applied the law to the National Academy of Sciences. That case is the: *Animal Legal Defense Fund, Inc., et al. v. Donna E. Shalala, et al.*, 104 F.3rd 424 (D.C. Circuit 1997). Last week the Supreme Court announced it will not review the appeal court's decision.

The proposal before the house would return the National Academy of Sciences to the status under the law that it held before the recent court rulings. In addition, the legislation requires more openness when Federal agencies utilize the Academies.

These increased openness requirements are:

1. Post for public comment the names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Invite public attendance at all data gathering committee meetings. (Of course, the exemptions established by the Freedom of Information Act would still apply for items such as privacy and national security issues.)

3. Post for the public record the names of reviewers of draft committee reports. And,

4. Make summaries available to the public of any committee meetings which are closed.

These changes will benefit the public and Federal agencies and will also contribute to the quality and credibility of Academy reports.

Furthermore, the proposal requires a General Services Administration [GSA] study within one year to assess the implementation of this legislation.

There seems to be broad agreement on this bill. The Administration, the House, and the Senate—both the Majority and the Minority—all agree that the Academies should not

be subject to the full process of the Federal Advisory Committee Act.

The Academies are valuable to America precisely because they are independent of agency influence; because they bring together the best professionals and experts with impressive backgrounds and because they derive their recommendations from multiple perspectives. They are asked to study and issue *only* when it is important, complex, and controversial. This bill will help preserve their high quality, objective, independent studies while also adding more openness.

The Senate is prepared to quickly consider this legislation before the end of this session. The Senate is awaiting House action.

The subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this matter last week. GSA, GAO, and OMB have expressed support for this effort. This legislative is fully supported by Mr. Burton, chairman of the full committee. Mr. Waxman, the Ranking Democratic Member on the full Committee on Government Reform and Oversight is also a co-sponsor of this bill, so is Ms. Maloney, the Ranking Democratic Member on the Subcommittee. The litigants that brought the successful court case also testified before our subcommittee and they too agree that the full brunt of the Federal Advisory Committee Act should not apply to the Academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government by the National Academy of Sciences and the National Academy of Public Administration.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks and insert extraneous material.)

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997. I ask unanimous consent to revise and extend my remarks and to insert extraneous material into the RECORD.

Recent federal court decisions have held that the National Academy of Sciences committees convened by federal agencies or Congress are subject to the Federal Advisory Committee Act.

The Federal Advisory Committee Act includes important measures that provide for public scrutiny of taxpayer-funded advisory committees. This Act, however, also imposes some procedures which may affect the independence of the National Academy of Sciences and the National Academy of Public Administration, an advisory body with a similar congressional charter to the National Academy of Sciences.

The Federal Advisory Committee Act Amendments of 1997 strike a balance between the Academies' need for independence and the public's right to know about the advisors and procedures used to produce technical or policy advice for the government.

These amendments require that the National Academy of Sciences appoint members without conflicts of interest—or else promptly disclose any unavoidable conflicts of interest to the public. The bill requires the Academy to make public the names and backgrounds of appointed committee members and creates a public comment period on these members. This public comment period must occur before committee members are finally appointed unless this is not practicable due to unusual time constraints.

More meetings of the National Academy of Sciences will be made open to the public. If meetings are closed, the Academy must provide summaries of closed meetings to the public. The purpose of this provision is to provide a summary of the committee's deliberations, as well as a list of the committee members present and other matters determined by the Academy.

The burden of insuring compliance with this legislation falls on the agencies. Agencies may not use the advice or recommendations provided by the Academy unless the procedural requirements set forth in the legislation have been followed by the Academy.

A letter from the National Academy of Sciences clarifies an important technical issue relating to the use of the section 552(b) exceptions. Pursuant to my earlier unanimous consent request, I am inserting this letter in the record for publication.

I urge my colleagues to adopt these amendments.

NATIONAL ACADEMY OF SCIENCES,  
*Washington, DC, November 9, 1997.*

Hon. HENRY WAXMAN,  
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WAXMAN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in H.R. 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have

no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, in as much as possible, all the information that a committee uses to reach its conclusions is in the public records.

Sincerely,

BURCE ALBERTS,  
*President.*

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 2977.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONSIDERING AMENDMENT TO H. RES. 314 AS ADOPTED WHEN CONSIDERED

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the

House considers House Resolution 314, the amendment that I have placed at the desk be considered as adopted.

□ 0200

The Clerk read as follows:

Page 1, line 5, strike "November 11" and insert in lieu thereof "November 15".

Page 2, after line 13, insert the following:

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Page 2, line 14, strike "November 11" and insert in lieu thereof "November 15".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

#### PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed because of the death of a staff member when the House voted on H.R. 2013. Had I been present, I would have voted "aye."