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No. 83—Part II

House of Representatives

□ 0845

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 45 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-549) on the resolution (H. Res. 681) providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today after 1 p.m. and the balance of the week on account of personal reasons.

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

Ms. WOOLSEY, for 5 minutes, today.

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

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

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

Mr. PENCE, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2362. An act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes; to the Committee on House Appropriations.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes a.m.), the House adjourned until today, Thursday, June 17, 2004, at 10 a.m.

NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,

OFFICE OF COMPLIANCE,

Washington, DC, June 16, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 ("Act"), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, "subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the proce-

dures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner." The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

The amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, DC 20540; 202-724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of
Directors.

WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 ("Act") at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which states in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." See 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural

Rules as follows: [deletions within italicized brackets], and added text in italicized bold. Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov.

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

PART I—OFFICE OF COMPLIANCE

RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June __, 2004.

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* * * * *

§ 1.03 Filing and Computation of Time.

(a) *Method of Filing.* Documents may be filed in person or by mail, including express, overnight and other expedited delivery. When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of

an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format. Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *
(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9-11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

2.03 Counseling.

(a) Initiating a Proceeding; Formal Request for Counseling. In order to initiate a proceeding under these rules, an employee shall [formally] file a written request for counseling [from] with the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

(c) When, How, and Where to Request Counseling. A [formal] request for counseling must be in writing, and [(1)] shall be [made] filed pursuant to the requirements of section 2.03(a) of these Rules with the Office of Compliance at Room LA-200, 110 Second Street, S.E., Washington, D.C. 20540-1999, [telephone 202-724-9250;] FAX 202-426-1913; TDD 202-426-1912, not later than 180 days after the alleged violation of the Act. [(2)] may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA-200, 110 Second Street, S.E., Washington, D.C. 20540-1999; telephone 202-724-9250; FAX 202-426-1913; TDD 202-426-1912.]

Discussion: This amendment conforms to the amendment at section 2.03(a).

(1) Conclusion of the Counseling Period and Notice. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, or by personal delivery evidenced by a written receipt. The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9-11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) Employees of the Office of the Architect of the Capitol and the Capitol Police.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within [10] 60 days after the expiration of the period recommended by the Executive Director, if the matter has not [been resolved] resulted in a final decision; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure. [or i] If no request to return to the procedures under these rules is received within [the applicable time period] 60 days after the expiration of the period recommended by the Executive Director, the Office will [consider the case to be closed in its official files] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date

the Office receives a notification of return would be 25 days.

2.04 Mediation.

(e) Duration and Extension.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint written request of the parties or of the appointed mediator on behalf of the parties to the attention of the Executive Director. The request [may be oral or] shall be written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

(i) Conclusion of the Mediation Period and Notice. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, or will be [hand] personally delivered, evidenced by a written receipt, and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9-11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

2.06 Filing of Civil Action.

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaints.

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

([d]e) Appeal. A [dismissal] final decision by the Hearing Officer made under section 5.03(a)-(c) (d) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

([e]f)
([f]g)

* * * * *

§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]I) Failure to Comply with an Order. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]a)
([2]b)
([3]c)
([4]d)
([5]e)
([6]f)
([7]g)
([b]2)
([c]3)

* * * * *

§ 8.01 Appeal to the Board.

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are

alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer or a party to any other matter or determination reviewable by the Board files an appeal or other submission with the Board, one original and seven copies of [both] any [appeal brief] submission and any responses must be filed with the Office. The Office, Hearing Officer, or Board may also request a party to submit an electronic version of any submission [on a disk] in a designated format, with receipt confirmed by electronic transmittal in the same format.

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) Request. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. All motions for attorney's fees and costs shall be submitted to the Hearing Officer. The Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§ 9.05 Informal Resolutions and Settlement Agreements

(b) Formal Settlement Agreement. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for Requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8544. A letter from the Director, Economic and Policy Analysis Staff, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8545. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts (RIN: 0596-AC16) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8546. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Definition of Animal [Docket No. 98-106-3] (RIN: 0579-AB69) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8547. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Docket No. 00-035-3] (RIN: 0579-AB19) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8548. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Spring Viremia of Carp; Payment of Indemnity [Docket No. 02-091-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8549. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 04-038-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8550. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8551. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-1] received June 8, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

8552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance [OPP-2004-0174; FRL-7362-9] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8553. A letter from the Chairman and Chief Executive, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; OFI Lending (RIN: 3052-AB96) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8554. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2004-1A-0001; FRL-7672-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Virginia [FRL-7658-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for West Virginia [FRL-7657-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8557. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [L218-2a; FRL-7661-8] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area [TX-70-2-7347a; FRL-7672-7] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [GA-62, GA-64-200418; FRL-7672-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8560. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Traffickers. — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8561. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report on the activities of the Office

of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8562. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Annual Performance Plan; to the Committee on Government Reform.

8563. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8564. A letter from the President, Legal Services Corporation, transmitting the semi-annual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8565. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8566. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Review of the Financial Operations of the Village Learning Center Public Charter School"; to the Committee on Government Reform.

8567. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period of six months ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8568. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8569. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OXLEY: Committee on Financial Services. H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; with an amendment (Rept. 108-546). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 640. Resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major

General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; adversely (Rept. 108-547). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; with an amendment (Rept. 108-548, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4520 referred to the Committee of the Whole House on the State of the Union.

[Submitted June 17 (legislative day of June 16), 2004]

Mr. REYNOLDS: Committee on Rules. House Resolution 681. Resolution providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (Rept. 108-549). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4520. Referral to the Committee on Agriculture extended for a period ending not later than June 16, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS (for himself, Mr. BEREUTER, Mr. BOEHLERT, Mr. GIBBONS, Mr. LAHOOD, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. BURR, Mr. EVERETT, Mr. GALLEGLY, and Mr. COLLINS):

H.R. 4584. A bill to amend the National Security Act of 1947 to improve the organization and operation of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HOYER:

H.R. 4585. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself and Mr. FORBES):

H.R. 4586. A bill to provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946; to the Committee on the Judiciary.

By Ms. KILPATRICK (for herself, Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Ms. JACKSON-LEE of

Texas, Mrs. DAVIS of California, Mrs. TAUSCHER, Mrs. MALONEY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4587. A bill to amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes; to the Committee on Armed Services.

By Mr. HINOJOSA (for himself, Mr. REYES, Mr. RODRIGUEZ, Mr. BONILLA, and Mr. ORTIZ):

H.R. 4588. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 4589. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 4590. A bill to require that reimbursement provided to members of the Armed Forces who purchased their own protective body armor when military-issue body armor was unavailable include reimbursement for the cost to deliver the body armor to the member; to the Committee on Armed Services.

By Mr. BERMAN (for himself and Mr. DELAHUNT):

H.R. 4591. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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 (for himself, Mr. WALDEN of Oregon, Ms. HOOLEY of Oregon, and Mr. CHABOT):

H.R. 4592. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4593. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 4594. A bill to amend the Internal Revenue Code of 1986 to double the maximum new market tax credits, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Mr. MENENDEZ, Ms. JACKSON-LEE of Texas, Mr. GREEN of Texas, Mr. KILDEE, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. KIND, Mr. KENNEDY of Rhode Island, and Mr. MCDERMOTT):

H.R. 4595. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, 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. NETHERCUTT:

H.R. 4596. A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. MCHUGH, Mr. SANDERS, Mr. ETHERIDGE, Mr. OBEY, Mr. SIMMONS, Mr. BOEHLERT, Mr. MCGOVERN, Mrs. JOHNSON of Connecticut, Mr. QUINN, Mr. HOUGHTON, Mr. WALSH, Mr. TURNER of Texas, Ms. SLAUGHTER, Mr. OLVER, Mr. HINCHEY, Mr. SWEENEY, Mr. McNULTY, Mr. LATOURETTE, Mrs. KELLY, and Mr. LANGEVIN):

H.R. 4597. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture.

By Mr. STUPAK (for himself, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Ms. KILPATRICK, Mr. WAMP, Ms. DEGETTE, Mr. BURTON of Indiana, Ms. DELAURO, Mr. DOYLE, Mr. BACA, and Mr. GORDON):

H.R. 4598. A bill to provide for the establishment of certain restrictions with respect to drugs containing isotretinoin (including the drug marketed as Accutane); to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 4599. A bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes; to the Committee on Armed Services.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. BARTON of Texas, Mr. DINGELL, Mr. BOUCHER, Mr. TERRY, Mr. TOWNS, Mr. JOHN, Mr. ENGEL, Mr. ROGERS of Michigan, Mr. BUYER, Mrs. CAPPS, Mr. WYNN, Mr. GORDON, Mr. GILLMOR, Mr. GREEN of Texas, Mrs. BONO, Ms. SCHAKOWSKY, Mr. STEARNS, Mr. PICKERING, Mr. DAVIS of Florida, Mr. BURR, Mr. SHIMKUS, and Mr. GONZALEZ):

H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4601. A bill to amend that Alaska Native Claims Settlement Act to recognize Alexander Creek as Native village, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4602. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. WATSON, Ms. KILPATRICK, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. SOLIS, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. CLAY):

H. Con. Res. 451. Concurrent resolution expressing the sense of Congress regarding the establishment of a scholarship fund to make tuition grants available to eligible former students who were denied an education in Prince Edward County, Virginia, when the public schools closed rather than comply with the Supreme Court's decision in *Brown v. Board of Education*; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. SIMMONS, Ms. LOFGREN, Ms. CARSON of Indiana, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. ENGLISH, Mr. DINGELL, Mr. SHERMAN, Mr. FROST, Mr.

RYAN of Ohio, Mr. McCOTTER, Mr. McNULTY, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. DEUTSCH, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, and Mr. BELL):

H. Con. Res. 452. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BISHOP of Georgia (for himself, Mrs. JONES of Ohio, Mr. MEEK of Florida, Mr. JEFFERSON, Mr. WYNN, Mr. CLAY, Ms. WATSON, Ms. LEE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. MEEKS of New York, Ms. NORTON, Mr. CUMMINGS, and Mr. PAYNE):

H. Res. 677. A resolution honoring the life and tremendous artistic and social contributions of Ray Charles, one of the world's most influential and prolific musicians; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Ms. PELOSI, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. STUPAK, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG):

H. Res. 679. A resolution congratulating the Detroit Pistons on winning the 2004 National Basketball Association Championship; to the Committee on Government Reform.

By Mr. GIBBONS:

H. Res. 680. A resolution to urge the resolution of claims related to the confiscation of certain property by the Government of Italy; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 570: Ms. MILLENDER-MCDONALD.
 H.R. 584: Mr. TURNER of Texas.
 H.R. 623: Mr. ORTIZ.
 H.R. 786: Mr. PETRI.
 H.R. 882: Mr. BOOZMAN.
 H.R. 962: Mr. HASTINGS of Florida.
 H.R. 1002: Mr. SIMMONS.
 H.R. 1279: Mr. CASE.
 H.R. 1305: Mr. PUTNAM.
 H.R. 1336: Mr. BACA, Mr. COLLINS, Mr. KLECZKA, Mr. ALEXANDER, and Mr. OTTER.
 H.R. 1355: Mr. HOEFFEL and Ms. WATERS.
 H.R. 1523: Ms. HOOLY of Oregon.
 H.R. 1634: Mr. McNULTY.
 H.R. 1700: Mr. TURNER of Ohio.
 H.R. 1769: Mr. GRIJALVA and Mr. CLYBURN.
 H.R. 1823: Mr. CROWLEY.
 H.R. 1870: Mr. WICKER.
 H.R. 1873: Mr. HOLT.
 H.R. 2023: Ms. NORTON.
 H.R. 2173: Ms. BERKLEY.
 H.R. 2176: Mr. ISTOOK.
 H.R. 2213: Mr. CUMMINGS.
 H.R. 2215: Ms. DELAULO, Ms. JACKSON-LEE of Texas, and Mr. FILNER.
 H.R. 2265: Mr. NUSSLE.
 H.R. 2394: Ms. KAPTUR, Mr. EMANUEL, Mr. KLECZKA, and Mrs. LOWEY.
 H.R. 2404: Ms. HART and Mr. MEEKS of New York.
 H.R. 2435: Mr. McDERMOTT.
 H.R. 2511: Mr. SERRANO.
 H.R. 2598: Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. QUINN, Mr. BERMAN, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. VITTER, Mr. OBERSTAR, and Mr. GREEN of Texas.

H.R. 2665: Mr. NADLER.
 H.R. 2895: Mr. GARRETT of New Jersey.
 H.R. 2929: Mr. OTTER.
 H.R. 2945: Mr. CUMMINGS.
 H.R. 2950: Mr. HILL, Mr. GARRETT of New Jersey, and Mr. GREEN of Texas.
 H.R. 2974: Mr. DEFazio and Mr. OWENS.
 H.R. 3014: Mrs. MCCARTHY of New York.
 H.R. 3069: Mr. WICKER, Mr. JOHNSON of Illinois, Mr. COLLINS, Mrs. MILLER of Michigan, and Mr. WHITFIELD.
 H.R. 3085: Mr. CUMMINGS, Mr. GREEN of Texas, and Mr. WEXLER.
 H.R. 3119: Mr. CASE.
 H.R. 3193: Mr. DELAY, Mr. BASS, and Mr. WHITFIELD.
 H.R. 3246: Mr. TIAHRT.
 H.R. 3408: Mr. CUMMINGS and Ms. LINDA T. SANCHEZ of California.
 H.R. 3441: Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, Mr. STUPAK, and Mr. DOGGETT.
 H.R. 3474: Mr. JACKSON of Illinois.
 H.R. 3545: Mr. ANDREWS.
 H.R. 3634: Mr. RANGEL.
 H.R. 3643: Mr. PALLONE, Mrs. MUSGRAVE, Mr. RENZI, and Mr. OWENS.
 H.R. 3712: Mr. LARSEN of Washington, Mr. FILNER, and Ms. LINDA T. SANCHEZ of California.
 H.R. 3716: Mr. ROHRABACHER.
 H.R. 3755: Mr. SIMMONS.
 H.R. 3779: Mr. EVANS.
 H.R. 3831: Mr. OWENS and Mr. MEEHAN.
 H.R. 3834: Mr. DEUTSCH and Mr. GONZALEZ.
 H.R. 3858: Mr. MILLER of North Carolina, Ms. BALDWIN, Mr. ENGEL, Mr. CARDIN, Mr. FEENEY, Mr. INSLER, Mr. HOSTETTLER, Mr. MILLER of Florida, Mrs. MALONEY, Ms. ESHOO, Mr. CUMMINGS, Mr. CLYBURN, Mr. KLECZKA, Mr. OLVER, Mr. COOPER, and Mr. GREEN of Wisconsin.
 H.R. 3921: Mr. HOLT.
 H.R. 3934: Mr. ROTHMAN.
 H.R. 3968: Mr. ANDREWS.
 H.R. 3987: Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. TOM DAVIS of Virginia, and Mr. RANGEL.
 H.R. 3988: Mr. HINCHEY.
 H.R. 4033: Ms. MAJETTE.
 H.R. 4101: Mr. MORAN of Virginia.
 H.R. 4113: Mr. NEAL of Massachusetts.
 H.R. 4116: Mr. CANNON, Mr. FLAKE, Mr. DELAHUNT, Mr. BOUCHER, Mr. GALLEGLY, Mr. WALDEN of Oregon, Mr. CULBERSON, Mr. FRELINGHUYSEN, Mr. SHERWOOD, Mr. TAUZIN, and Mr. GARY G. MILLER of California.
 H.R. 4117: Mr. MEEHAN.
 H.R. 4126: Mr. STRICKLAND.
 H.R. 4156: Mrs. CHRISTENSEN.
 H.R. 4204: Mr. SCOTT of Georgia.
 H.R. 4217: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 4225: Mr. RENZI.
 H.R. 4284: Mr. HUNTER.
 H.R. 4290: Ms. WOOLSEY.
 H.R. 4304: Mr. BERMAN, Mr. VISCLOSKY, Mr. LANGEVIN, Ms. WOOLSEY, AND Mrs. DAVIS of California.
 H.R. 4341: Mr. BILIRAKIS, Mr. MORAN of Virginia, and Mr. LUCAS of Kentucky.
 H.R. 4346: Mr. HOEFFEL and Mr. SANDLIN.
 H.R. 4354: Mr. BERMAN, Mr. FILNER, and Mr. McDERMOTT.
 H.R. 4367: Mr. GRIJALVA, Ms. NORTON, Mr. UDALL of New Mexico, Mr. FROST, and Mr. RANGEL.
 H.R. 4380: Mr. FOLEY and Mr. MICA.
 H.R. 4384: Mr. FRANKS of Arizona.
 H.R. 4410: Mr. VITTER.
 H.R. 4420: Mr. MILLER of Florida, Mr. GOODE, Mr. HENSARLING, and Mr. ROGERS of Alabama.
 H.R. 4448: Mr. OLVER.
 H.R. 4449: Mr. RANGEL.
 H.R. 4450: Mr. RANGEL, Mr. CONYERS, and Mr. BISHOP of Georgia.
 H.R. 4469: Mr. BACA, Mrs. CAPPS, Mrs. DAVIS of California, Ms. ESHOO, Ms.

MILLENDER-MCDONALD, Mr. DOOLEY of California, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, and Mr. WAXMAN.

H.R. 4476: Mrs. MCCARTHY of New York, Mr. FROST, Mrs. MALONEY, Mr. OWENS, and Mr. RANGEL.

H.R. 4491: Mr. GOODE, Mr. LATOURETTE, Mr. NUSSLE, Mr. BOEHLERT, Mr. COOPER, Mr. ROSS, and Mr. VISCLOSKY.

H.R. 4520: Ms. GRANGER and Mr. CULBERSON.

H.R. 4525: Mr. CRANE, Mr. HENSARLING, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. COLE, Mr. HERGER, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, and Mr. KING of Iowa.

H.R. 4528: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. CANTOR, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. NEUGBAUER, Mr. MANZULLO, Mr. BALLENGER, Mr. HENSARLING, Mr. TIBERI, Mr. PEARCE, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. SIMMONS, Mr. BURGESS, and Mr. JONES of North Carolina.

H.R. 4531: Mrs. MCCARTHY of New York and Mr. GREEN of Texas.

H.R. 4533: Mr. REHBERG and Mr. RENZI.

H.R. 4543: Mr. SMITH of New Jersey, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. GARRETT of New Jersey, Mr. GREEN of Wisconsin, Mrs. CUBIN, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. CHABOT, Mr. AKIN, Mr. BRADY of Texas, Mrs. MYRICK, Mr. FEENEY, Mr. WELDON of Florida, Mr. GOODE, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. COLE, Mr. FRANKS of Arizona, Mr. KLINE, Mr. SHADEGG, and Mr. HOSTETTLER.

H.R. 4571: Mr. NORWOOD and Mr. HERGER.

H.R. 4573: Mr. BOSWELL and Mr. REYES.

H.R. 4574: Mr. BOSWELL and Mr. REYES.

H. Con. Res. 213: Ms. ESHOO.

H. Con. Res. 218: Mr. BILIRAKIS.

H. Con. Res. 405: Mr. KELLER.

H. Con. Res. 436: Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. JEFFERSON, Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. RUSH, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 438: Mr. LYNCH.
 H. Con. Res. 443: Mr. SOUDER and Mr. NORWOOD.

H. Con. Res. 448: Mr. GILCHREST.

H. Con. Res. 450: Mr. FROST.

H. Res. 632: Mr. WOLF.

H. Res. 673: Mr. WALSH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4567

OFFERED BY: Mr. WELDON of PENNSYLVANIA
 AMENDMENT No. 12: Add at the end (before the short title) the following new section:
 SEC. ____ . The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" and by increasing the amount made available under title III for "FIREFIGHTER ASSISTANCE GRANTS", both by \$50,000,000, and of the amounts appropriated for "FIREFIGHTER ASSISTANCE GRANTS" \$50,000,000 is available for grants under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

H.R. 4567

OFFERED BY: Mr. SHERMAN
 AMENDMENT No. 13: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran.

H.R. 4567

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:
SEC. ____ . None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran and for which there is no duty.

H.R. 4567

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 15: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the second dollar amount insert "(reduced by \$450,000,000)".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the fourth dollar amount insert "(increased by \$450,000,000)".

H.R. 4567

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 16: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

H.R. 4567

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 17: Page 14, strike the proviso beginning on line 5.

H.R. 4567

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 18: Page 34, line 22, after the dollar amount insert the following: "(increased by \$36,000,000)(reduced by \$36,000,000)".

H.R. 4567

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 22, line 25, and page 23, line 2, after the dollar amount in each place, insert "(increased by \$20,000,000)".

Page 29, line 1, after the dollar amount, insert "(reduced by \$20,000,000)".

H.R. 4567

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: At the end of the bill, before the short title, insert the following:

SEC. ____ . The amounts made available under title I, and the amount made available in title III under the item relating to "OFFICE FOR STATE AND LOCAL GOVERNMENT-FIREFIGHTER ASSISTANCE GRANTS" are reduced, on a prorated basis, and increased by \$146,000,000 and \$146,000,000, respectively.

H.R. 4567

OFFERED BY: MR. TURNER OF TEXAS

AMENDMENT NO. 21: In title I, in the item relating to "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT", insert after the

first dollar amount the following: "(reduced by \$1,000,000)".

In title II, in the item relating to "CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES", insert after the first dollar amount the following: "(increased by \$1,000,000)".

H.R. 4567

OFFERED BY: MR. TURNER OF TEXAS

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

SEC. ____ . For additional expenses, not otherwise provided for, necessary to procure, install, and operate radiation portal monitoring technology to improve the security of our homeland due to the global war on terrorism, \$200,000,000 to remain available until expended: *Provided* that the entire amount is designated an emergency requirement pursuant to section 402(a) of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That the funds made available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That the funds made available under this heading shall be available for Customs and Border Protection salaries and expenses: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations fifteen days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

H.R. 4567

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT NO. 23: At the end of the bill (before the short title) insert the following new section:

SEC. ____ . None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

[Submitted June 17 (legislative day of June 16), 2004]

H.R. 4568

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 9: Page 46, line 16, strike "\$93,051,000" and insert "\$79,551,000".

Page 46, line 22, strike ", to" and insert "shall".

Page 46, beginning on line 23, strike ", shall remain available until expended for a departmental financial and business management system".

Page 103, line 14, strike "\$120,972,000" and insert "\$130,972,000".

Page 104, line 5, strike "\$122,377,000" and insert "\$125,877,000".

H.R. 4568

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 10: In title II, in the item relating to "WILDLAND FIRE MANAGEMENT", insert after the first dollar amount and the third dollar amount (relating to hazardous fuels reduction activities) the following: "(increased by \$19,700,000)".

In title II, in the item relating to "FOSSIL ENERGY RESEARCH AND DEVELOPMENT", insert after the first dollar amount the following: "(reduced by \$19,700,000)".

H.R. 4568

OFFERED BY: MS. NORTON

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. The Secretary of the Interior, acting through the National Park Service, shall conduct a study on the rate of crime (including reports, citations, and arrests) and the number of traffic accidents in units of the National Park System, particularly units located in high-population density areas, units with high-visitor usage, and roadways under the jurisdiction of the National Park Service with high-traffic volumes, during the period beginning on January 1, 1998, and ending on the date of the enactment of this Act. Not later than 90 days after the date of the enactment of this Act, the Secretary shall transmit a report with the results of the study to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

H.R. 4568,

OFFERED BY: MR. HUNTER

AMENDMENT NO. 12: At the end of the bill, before the short title, insert the following new section:

SEC. ____ . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104-134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

H.R. 4568

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 13: Page 68, line 5, insert after the dollar amount the following: "(increased by \$6,000,000)".

Page 69, line 10, insert after the dollar amount the following: "(increased by \$6,000,000)".

Page 85, line 3, insert after the dollar amount the following: "(reduced by \$6,000,000)".

H.R. 4568

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 85, Line 3, after the dollar amount insert "(increased by \$1,000,000, decreased by \$1,000,000)".

H.R. 4568

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 15: Page 47, line 4, after "Appropriations" insert "*Provided further*: That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by \$13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso".

Page 103, line 14, strike "\$120,972,000" and insert "\$130,972,000".

Page 104, line 5, strike "\$122,377,000" and insert "\$125,877,000".

H.R. 4568

OFFERED BY: MR. WEINER

AMENDMENT NO. 16: At the end of title III (page 136, after line 4) add the following:

SEC. ____ . The Secretary of the Interior shall, on and after the commencement of the Republican National Convention in 2004, provide public access to the Statue of Liberty substantially equivalent to the access provided before September 11, 2001.

H.R. 4568

OFFERED BY: MS. NORTON

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. The Secretary of the Interior, acting through the National Park Service, shall conduct a study on the rate of crime (including reports, citations, and arrests) and the number of traffic accidents in units of the National Park System, particularly units located in high-population density areas, units with high-visitor usage, and roadways under the jurisdiction of the National Park Service with high-traffic volumes, during the period

beginning on January 1, 1998, and ending on the date of the enactment of this Act. Not later than 90 days after the date of the enactment of this Act, the Secretary shall transmit a report with the results of the study to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

H.R. 4568

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist

other persons in killing, any bison in the Yellowstone National Park herd.

H.R. 4568

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 19: On page 87 after line 21, insert the following provision:

ETHANOL AND BIODIESEL FUEL RESERVE

The Secretary of Energy may annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.