

judicial council, to hear and decide cases, for the convenience of parties and counsel.

“(c) In establishing a district court appellate panel service, the judicial council shall specify the categories or types of cases over which district court appellate panels shall have appellate jurisdiction. In such cases specified by the judicial council as appropriate for assignment to district court appellate panels, and notwithstanding sections 1291 and 1292, the appellate panel shall have exclusive jurisdiction over district court decisions and may exercise all of the authority otherwise vested in the court of appeals under sections 1291, 1292, 1651, and 2106. A district court appellate panel may transfer a case within its jurisdiction to the court of appeals if the panel determines that disposition of the case involves a question of law that should be determined by the court of appeals. The court of appeals shall thereupon assume jurisdiction over the case for all purposes.

“(d) Final decisions of district court appellate panels may be reviewed by the court of appeals, in its discretion. A party seeking review shall file a petition for leave to appeal in the court of appeals, which that court may grant or deny in its discretion. If a court of appeals is organized into adjudicative divisions, review of a district court appellate panel decision shall be in the division to which an appeal would have been taken from the district court had there been no district court appellate panel.

“(e) Procedures governing review in district court appellate panels and the discretionary review of such panels in the court of appeals shall be in accordance with rules promulgated by the court of appeals.

“(f) After a judicial council of a circuit makes an order establishing a district court appellate panel service, the chief judge of the circuit may request the Chief Justice of the United States to assign 1 or more district judges from another circuit to serve on a district court appellate panel, if the chief judge determines there is a need for such judges. The Chief Justice may thereupon designate and assign such judges for this purpose.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 28, United States Code, is amended by adding after the item relating to section 144 the following:

“145. District court appellate panels.”

(c) MONITORING IMPLEMENTATION.—The Federal Judicial Center shall monitor the implementation of section 145 of title 28, United States Code (as added by this section) for 3 years following the date of enactment of this Act and report to the Judicial Conference such information as the Center determines relevant or that the Conference requests to enable the Conference to assess the effectiveness and efficiency of this section.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on January 20, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 11. Concurrent resolution providing for an adjournment of the House.

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42-43), the Speaker appoints the following Members of the House to the Board of Regents of the Smithsonian Institution: Mr. REGULA of Ohio and Mr. SAM JOHNSON of Texas.

The message also announced that pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 221), the Speaker appoints the following Members of the House to be accredited by the President as official advisers to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the One Hundred Sixth Congress: Mr. ARCHER of Texas, Mr. CRANE of Illinois, Mr. THOMAS of California, Mr. RANGEL of New York, and Mr. LEVIN of Michigan.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 40. A bill to protect the lives of unborn human beings.

S. 41. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with the knowledge that the abortion is being performed solely because of the gender of the fetus.

S. 42. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 43. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutional prayer in schools.

S. 44. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun, and for other purposes.

S. 45. A bill to prohibit the executive branch of the Federal Government from establishing an additional class of individuals that is protected against discrimination in Federal employment, and for other purposes.

S. 46. A bill to amend the Civil Rights Act of 1954 to make preferential treatment an unlawful employment practice, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-783. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; State of New Hampshire; Interim Final Determination that New Hampshire has Avoided the Deficiencies of its I/M SIP Revision” (FRL 6203-5) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-784. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; South Carolina” (FRL 6204-1) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-785. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Tennessee” (FRL 6204-4) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-786. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Harpin; Temporary/Time-Limited Pesticide Tolerance” (FRL 6040-5) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-787. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tebufenozide; Pesticide Tolerances for Emergency Exemptions” (FRL 6049-4) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-788. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Triazamate; Time-Limited Pesticide Tolerance” (FRL 6024-5) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-789. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the St. Andrew Beach Mouse” (RIN1018-AE41) received on December 15, 1998; to the Committee on Environment and Public Works.

EC-790. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicaid Program; Inpatient Psychiatric Services Benefit for Individuals Under Age 21” (RIN0938-AJ05) received on December 16, 1998; to the Committee on Finance.

EC-791. A communication from the Assistant Commissioner for Examination, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Coordinated Issue; Construction/Real Estate Industry; Retain age Payable” (UIL460.03-10) received on December 17, 1998; to the Committee on Finance.

EC-792. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule